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IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

- - - - -

HONORABLE EDWARD RAFEEDIE, DISTRICT COURT JUDGE PRESIDING

- - - - -

COPY

UNITED STATES OF AMERICA,)
)
 PLAINTIFF,)
)
 VS.)
)
 JUAN RAMON MATTA-BALLESTEROS)
 DEL POZO, RUBEN ZUNO-ARCE,)
 JUAN JOSE BERNABE-RAMIREZ,)
 AND JAVIER VASQUEZ-VELASCO,)
)
 DEFENDANTS.)

CASE NO: CR 87-422(F)-ER

VOLUME 7

REPORTERS' TRANSCRIPT OF PROCEEDINGS

THURSDAY, MAY 24, 1990; 10:00 A.M.

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SUSAN A. LEE, CSR
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4 UNITED STATES ATTORNEY
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APPEARANCES (CONTINUED):

FOR DEFENDANT JAVIER VASQUEZ-VELASCO:

FEDERAL LITIGATORS GROUP
BY: GREGORY NICOLAYSEN, ESQ.
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ALSO PRESENT:

DOUGLAS KUEHL, SPECIAL AGENT, D.E.A.
HECTOR BERRELLEZ, SPECIAL AGENT, D.E.A.

SPANISH INTERPRETERS

1 VASQUEZ OCHOA, FOR A MOMENT.

2 NOW, BE SPECIFIC AND DESCRIBE HIS APPEARANCE WHEN HE
3 CAME IN?

4 A. WELL, HE LOOKED THE SAME AS THE ATTORNEY. HE WAS
5 SUSTAINED, HE HAD BLOOD ON THE BOOTS.

6 Q. WHERE ELSE?

7 A. ON THE SHIRT, AND THERE WAS ALSO BLOOD IN THE MARQUIS.

8 Q. DID JUNIOR HAVE BLOOD ON HIS HANDS?

9 A. YES.

10 Q. ON HIS PANTS?

11 A. YES.

12 Q. WAS JUNIOR, ANTONIO VASQUEZ OCHOA, ALSO CARRYING A
13 FIREARM?

14 A. YES.

15 Q. WHAT KIND?

16 A. A .38 SUPER.

17 Q. WAS THERE BLOOD ON THE GUN?

18 A. YES.

19 Q. AFTER BARBA HERNANDEZ ARRIVES AT THE HOUSE, DOES HE GIVE
20 ANY INSTRUCTIONS?

21 A. WELL, NO. HE JUST ARRIVES AND TELLS ME WHAT HAPPENED.

22 Q. WHAT DID BARBA TELL YOU?

23 MR. NICOLAYSEN: OBJECTION, HEARSAY. OBJECTION, YOUR
24 HONOR, HEARSAY AFTER THE FACT.

25 THE COURT: SUSTAINED.

1 MR. MEDRANO: MAY I BE HEARD JUST BRIEFLY, YOUR
2 HONOR? ONGOING CONSPIRACY INCLUDES AFTER-THE-FACT DESCRIPTIONS
3 OF WHAT OCCURRED.

4 MR. NICOLAYSEN: MY CLIENT IS NOT CHARGED WITH
5 CONSPIRACY, AND THIS HAS NOTHING TO DO WITH MY CLIENT, YOUR
6 HONOR.

7 THE COURT: THE OBJECTION IS OVERRULED. THE WITNESS
8 MAY ANSWER.

9 BY MR. MEDRANO:

10 Q. WHAT DID BARBA TELL YOU?

11 A. THAT SOME GRINGOS HAD BEEN SPYING ON THEM AT THE
12 RESTAURANT WHERE ALL THE PEOPLE WERE.

13 Q. WHAT ELSE DID HE TELL YOU?

14 A. THAT ONE HAD DIED AND THAT THE OTHER ONE OF THE GRINGOS
15 WAS STILL ALIVE.

16 Q. DID YOU DO ANYTHING WITH JAVIER BARBA'S GUN?

17 A. YES. I CLEANED IT FOR HIM.

18 Q. HOW LONG DID IT TAKE YOU TO CLEAN BARBA'S 9 MILLIMETER?

19 A. 20 MINUTES.

20 Q. WAS THERE A LOT OF BLOOD ON IT?

21 A. YES.

22 Q. DID YOU SEE ANTONIO VASQUEZ OCHOA DOG ANYTHING WITH HIS
23 FIREARM?

24 A. THE SAME THING.

25 Q. I'M SORRY. WHAT DO YOU MEAN THE SAME THING?

1 A. HE CLEANED HIS WEAPON.

2 Q. NOW, DID ANTONIO VASQUEZ OCHOA MAKE ANY STATEMENTS TO YOU,
3 MR. CERVANTES?

4 MR. STOLAR: OBJECTION, HEARSAY.

5 THE COURT: OVERRULED.

6 THE WITNESS: YES, HE SAID THAT SOME DAMN GRINGOS --
7 THEY HAD CAUGHT THEM SPYING, AND THAT THEY HAD BEATEN THE SHIT
8 OUT OF THEM.

9 BY MR. MEDRANO:

10 Q. NOW, MR. CERVANTES, YOU MENTIONED THAT BARBA RETURNED IN A
11 GRAY MARQUIS?

12 A. YES.

13 Q. DID YOU DO ANYTHING WITH THE GRAY MARQUIS?

14 A. YES. I DUSTED IT. I TOOK OUT THE CARPETS BECAUSE THERE
15 WAS BLOOD ON THEM.

16 Q. NOW, COULD YOU TELL ME SPECIFICALLY WHERE INSIDE THE CAR
17 THERE WAS BLOOD?

18 A. THE BACK SEAT.

19 Q. ANYWHERE ELSE?

20 A. NO, JUST THERE.

21 Q. HOW LONG DID IT TAKE YOU TO CLEAN THE BLOOD IN THE
22 MARQUIS?

23 A. ABOUT HALF AN HOUR.

24 Q. I WANT TO DIRECT YOUR ATTENTION TO THE FOLLOWING DAY. ON
25 THIS DATE, DO YOU RECEIVE ANY PHONE CALLS?

1 A. YES.

2 Q. AND ARE YOU THE ONE THAT ANSWERS THE PHONE?

3 A. YES.

4 Q. CAN YOU IDENTIFY THE VOICE OF THE SPEAKER ON THE OTHER END
5 OF THE LINE?

6 A. YES.

7 Q. WHO IS IT?

8 A. RAFAEL CARO QUINTERO.

9 Q. WHAT DOES HE SAY TO YOU?

10 MR. STOLAR: OBJECTION.

11 MR. NICOLAYSEN: OBJECTION.

12 MR. STOLAR: HEARSAY.

13 MR. NICOLAYSEN: I JOIN IN THAT, YOUR HONOR.

14 THE COURT: OVERRULED.

15 BY MR. MEDRANO:

16 Q. WHAT DOES CARO TELL YOU ON THE PHONE?

17 A. THAT HE NEEDED TO SEE THE ATTORNEY.

18 Q. WHAT ELSE?

19 A. HE ASKED THAT HE NEEDED TO SEE THE ATTORNEY, FOR HIM TO
20 GET IN TOUCH WITH HIM. THAT'S ALL HE TOLD ME.

21 Q. DID RAFAEL CARO QUINTERO MENTION LA LANGOSTA IN HIS PHONE
22 CALL TO YOU?

23 MS. KELLY: OBJECTION, YOUR HONOR.

24 MR. NICOLAYSEN: OBJECTION, YOUR HONOR, THAT'S
25 LEADING.

1 THE COURT: SUSTAINED.

2 BY MR. MEDRANO:

3 Q. DO YOU RECALL IF ANYTHING ELSE WAS SAID DURING THIS PHONE
4 CALL?

5 A. NO.

6 Q. ON THIS SAME DATE, DO YOU EVER SEE JAVIER VASQUEZ VELASCO
7 AT LA QUINTA AGAIN?

8 A. NO. THE FOLLOWING DAY.

9 Q. DOES HE ARRIVE AT THE HOUSE?

10 A. YES.

11 Q. DID YOU TALK TO HIM?

12 A. YES.

13 Q. WHAT DOES HE SAY TO YOU?

14 MR. STOLAR: OBJECT TO THE HEARSAY. COCHILOCO IS NOT

15 A --

16 MR. MEDRANO: IT'S JAVIER VASQUEZ VELASCO --

17 THE COURT: OVERRULED.

18 BY MR. MEDRANO:

19 Q. WHAT DOES JAVIER VASQUEZ STATE TO YOU?

20 A. THAT HE'S GOING TO LET ATTORNEY JAVIER BARBA HERNANDEZ
21 KNOW THAT BOTH AMERICANS HAD DIED.

22 Q. DID HE INDICATE WHERE THEY HAD DIED?

23 A. NO.

24 Q. DID HE INDICATE HOW THEY HAD DIED?

25 A. WELL, HE ONLY SAID THAT THEY HAD TAKEN SOME ICE PICKS WITH

1 THEM. AND I DON'T KNOW IF THAT'S HOW THEY DIED OR SOME OTHER
2 WAY.

3 MR. MEDRANO: YOUR HONOR, MAY I HAVE JUST ONE MOMENT?

4 THE INTERPRETER: EXCUSE ME, YOUR HONOR. THE
5 INTERPRETER WOULD LIKE TO CORRECT THE LAST TRANSLATION.

6 THE COURT: PLEASE DO SO. COUNSEL, WE HAVE A
7 CORRECTION TO THE LAST TRANSLATION HERE.

8 MR. MEDRANO: YES, YOUR HONOR. THANK YOU.

9 THE INTERPRETER: IT SHOULD HAVE BEEN THAT THEY HAD
10 BEEN STABBED WITH ICE PICKS. I DON'T KNOW WHETHER THAT WAS HOW
11 THEY DIED OR NOT.

12 MR. MEDRANO: THANK YOU. YOUR HONOR, DOES THE COURT
13 HAVE ANY INTENTION OF TAKING JUST A BRIEF RECESS, IF POSSIBLE?

14 THE COURT: DO YOU HAVE MORE QUESTIONS?

15 MR. MEDRANO: YES, YOUR HONOR. ONE MOMENT. LET ME
16 CONFIRM THAT FOR YOU.

17 THE COURT: WE HAVE BEEN LOSING A LOT OF TIME HERE
18 LATELY. I'M NOT GOING TO TAKE A RECESS.

19 MR. MEDRANO: THAT'S FINE. I WAS JUST INQUIRING.
20 I'LL MOVE ON. THANK YOU.

21 MR. STOLAR: YOUR HONOR, A SHORT RECESS WOULD BE OF
22 GREAT ASSISTANCE.

23 (COURTROOM LAUGHTER.)

24 MR. MEDRANO: PERHAPS 30 SECONDS, YOUR HONOR?

25 THE COURT: I WANT TO ASK EVERYBODY TO BE ON TIME

1 HERE. I DON'T LIKE TO LOSE ANY TIME FROM TRIAL. WE DID LOSE
2 SOME TODAY, WE LOST SOME YESTERDAY. I'M KEEPING TRACK, AND IT
3 MAY COST YOU A RECESS.

4 WE'LL TAKE A SHORT ONE.

5 MR. STOLAR: THANK YOU.

6 MR. MEDRANO: THANK YOU, YOUR HONOR.

7 (JURY EXCUSED.)

8 (BRIEF RECESS.)

9 (JURY PRESENT:)

10 THE COURT: YOU MAY CONTINUE.

11 MR. MEDRANO: THANK YOU, YOUR HONOR.

12 DIRECT EXAMINATION + (RESUMED)

13 BY MR. MEDRANO:

14 Q MR. CERVANTES, I WOULD LIKE TO DIRECT YOUR ATTENTION TO
15 EARLY FEBRUARY OF 1985. IN ABOUT THIS TIME FRAME, SIR, IS
16 THERE A MEETING HELD IN THE HOUSE OF BARBA HERNANDEZ?

17 A YES.

18 Q IS RUBEN ZUNO ARCE AT THIS MEETING?

19 MR. MEDVENE: OBJECTION. LEADING AND SUGGESTIVE, YOUR
20 HONOR.

21 THE COURT: OVERRULED.

22 THE WITNESS: YES.

23 BY MR. MEDRANO:

24 Q DO YOU SEE RUBEN ZUNO ARCE WHEN HE ARRIVES AT THE HOUSE?

25 A YES.

1 Q IS HE ALONE?

2 A NO.

3 Q WHO COMES WITH HIM?

4 A HIS DRIVER, DAVID MACIAS.

5 Q ARE EITHER OF THOSE TWO MEN ARMED WHEN THEY ARRIVE?

6 A YES.

7 Q WHO HAD WHAT?

8 A BOTH OF THEM WERE ARMED.

9 Q DOES ANYONE ELSE ARRIVE AT THE HOUSE?

10 A YES.

11 Q WHO, MR. CERVANTES?

12 A RAFAEL CARO QUINTERO.

13 Q IS HE ACCOMPANIED BY ANYBODY?

14 A YES.

15 Q WHO?

16 A HIS BODYGUARD.

17 Q DOES ANYBODY ARRIVE AT LA QUINTA?

18 A DON ERNESTO FONSECA.

19 Q DOES ANYBODY ACCOMPANY FONSECA?

20 A HIS BODYGUARD.

21 Q DO YOU KNOW THE NAME OF ANY OF THOSE BODYGUARDS?

22 A WELL NOT REALLY. I JUST REMEMBER HOW ONE OF THEM WAS BEING
23 CALLED.

24 Q WHAT'S THAT?

25 A BERNA.

1 Q YOUR HONOR, WITH YOUR PERMISSION: MR. CERVANTES, COULD I
2 ASK YOU TO STAND AND ASK YOU TO TELL ME IF YOU SEE IN THE
3 COURTROOM THIS MAN NAMED BERNA, AND STEP DOWN IF YOU DEEM IT
4 NECESSARY.

5 A YES, I DO SEE HIM.

6 Q CAN YOU DESCRIBE SOMETHING HE'S WEARING?

7 A HE HAS A BLUE SHIRT AND NO TIE.

8 MR. MEDRANO: YOUR HONOR, AGAIN, WITH YOUR
9 PERMISSION --

10 THE COURT: WELL, IS THERE ANYTHING ELSE ABOUT HIM
11 THAT YOU SEE?

12 THE WITNESS: HE HAS GLASSES.

13 THE COURT: IT APPEARS THAT THE WITNESS -- CAN YOU
14 POINT TO THE MAN -- CAN YOU POINT TO HIM?

15 THE WITNESS: (COMPLIES.)

16 THE COURT: IS HE THE MAN SITTING NEXT TO THE LADY
17 THERE?

18 THE WITNESS: YES. OVER TO THAT SIDE.

19 THE COURT: INDICATING THE RIGHT SIDE.

20 WELL, THAT WOULD BE THE DEFENDANT BERNABE RAMIREZ.

21 MR. MEDRANO: THANK YOU, YOUR HONOR.

22 Q WAS BERNABE RAMIREZ ARMED WITH A GUN?

23 A YES.

24 Q MR. CERVANTES, IS THERE A MEETING HELD AT BARBA'S HOUSE?

25 A YES.

1 Q WHICH ROOM?

2 A IN THE LIVING ROOM.

3 Q WHO'S PRESENT AT THIS MEETING?

4 A DON RUBEN ZUNO ARCE IS THERE, RAFAEL CARO QUINTERO IS
5 THERE, ERNESTO FONSECA CARRILLO, ATTORNEY JAVIER BARBA
6 HERNANDEZ.

7 Q ARE YOU PRESENT?

8 A YES.

9 Q MR. CERVANTES, CAN YOU EXPLAIN TO US WHY IT IS THAT YOU'RE
10 PRESENT AT THESE MEETINGS?

11 A WELL, I WAS THE ATTORNEY'S CHIEF OF SECURITY. I WOULD
12 ALWAYS BE AT HIS SIDE WHEN HE WAS AT THE HOUSE.

13 Q AND WERE YOU EVER SERVED FOOD OR DRINKS AT ANY OF THESE
14 MEETINGS?

15 MR. STOLAR: OBJECT, YOUR HONOR. LEADING.

16 THE COURT: OVERRULED.

17 THE WITNESS: YES.

18 BY MR. MEDRANO:

19 Q NOW, CAN YOU TELL US, MR. CERVANTES, WHO SAYS WHAT AT THIS
20 MEETING?

21 A YES.

22 Q PLEASE PROCEED.

23 A RAFAEL CARO QUINTERO TOLD ATTORNEY JAVIER BARBA THAT THEY
24 SHOULD DEFINITELY PICK UP THE D.E.A. AGENT TO FIND OUT HOW MUCH
25 HE KNEW. DON RUBEN ALSO SPOKE.

1 Q WHAT DID RUBEN ZUNO SAY?

2 A HE SAID THAT HE AGREED THAT THAT PERSON SHOULD BE PICKED UP
3 AND THAT IT SHOULD BE FOUND OUT HOW MUCH HE KNEW AND WHO HE WAS
4 COOPERATING WITH, OR WORKING WITH.

5 Q WAS THERE ANY MENTION OF ANYBODY BY THE NAME OF GENERAL
6 GARDOQUI AT THIS MEETING?

7 A YES, AT THE END.

8 Q WHO SAID WHAT WITH REGARD TO GARDOQUI?

9 A YES. THE MEETING WAS JUST ABOUT OVER AND THEY WERE READY
10 TO GET UP, AND MR. ZUNO ARCE, HE SAID THAT HE WANTED TO KNOW
11 HOW MUCH HE KNEW ABOUT MY GENERAL GARDOQUI. THAT'S WHAT HE
12 SAID.

13 Q I WANT TO TAKE YOU A FEW DAYS PAST THAT MEETING YOU JUST
14 DESCRIBED, MR. CERVANTES.

15 DID YOU EVER SEE ANY BODYGUARD, EL CORITA, AT THE
16 RESIDENCE?

17 A YES. HE ARRIVES.

18 Q DO YOU SEE HIM?

19 A YES.

20 Q DOES HE SPEAK TO YOU?

21 A YES.

22 Q WHAT DOES HE SAY?

23 MR. STOLAR: OBJECT TO THE HEARSAY.

24 THE COURT: OVERRULED.

25 THE WITNESS: HE COMES IN AND SAYS THAT HE WANTS TO

1 SEE THE ATTORNEY. I SAID HE'S IN HIS ROOM, WHAT HAPPENED. HE
2 SAID -- WELL, HOW COULD I SAY THAT? -- THE BOMB EXPLODED
3 ALREADY; RAFA WENT TOO FAR, AND THAT PERSON IS DEAD, AND THAT
4 HE NEEDED TO LET THE ATTORNEY KNOW.

5 BY MR. MEDRANO:

6 Q IS BARBA INSIDE THE HOUSE WHEN YOU'RE TALKING TO CORITA?

7 A YES.

8 Q DOES EL CORITA SPEAK TO BARBA?

9 A YES.

10 Q IN YOUR PRESENCE?

11 A YES.

12 Q WHAT ELSE DID CORITA TELL BARBA IN YOUR PRESENCE?

13 MR. STOLAR: OBJECT TO THE HEARSAY. IT'S ALSO A
14 POST-EVENT HEARSAY.

15 THE COURT: OVERRULED.

16 THE WITNESS: COULD ASK YOU THE QUESTION AGAIN?

17 MR. MEDRANO: SURELY, MR. CERVANTES.

18 Q WHAT DOES EL CORITA TELL BARBA?

19 A THAT HE HAD KILLED THE AMERICAN, THAT RAFA HAD GONE TOO
20 FAR, THAT HE WAS DEAD.

21 Q WHAT WAS BARBA'S REACTION TO HEARING THIS?

22 A HE GOT ANGRY. HE PICKED UP THE RECEIVER OF A TELEPHONE.

23 Q DID HE MAKE A PHONE CALL?

24 A YES.

25 Q WERE YOU PRESENT DURING THE PHONE CALL?

1 A YES.

2 Q CAN YOU HEAR WHAT BARBA IS SAYING?

3 A YES.

4 Q DOES HE MENTION ANY NAME WHEN HE'S ON THE PHONE --

5 A YES.

6 Q -- TO IDENTIFY THE PERSON HE'S SPEAKING TO?

7 A YES.

8 Q WHAT DOES EITHER OF THEM SAY?

9 A RUBEN, DON RUBEN ZUNO.

10 Q AND WHAT DOES HE SAY ON THE PHONE?

11 A HE SAID THAT HE NEEDED TO SEE HIM URGENTLY BECAUSE THERE
12 WAS TROUBLE.

13 Q AFTER THAT PHONE CALL, DOES RUBEN ZUNO ARCE ARRIVE AT LA
14 QUINTA.

15 A YES.

16 Q WAS ANYBODY WITH HIM?

17 A YES. THE DRIVER.

18 Q WHAT IS THE DRIVER'S NAME?

19 A DAVID MACIAS.

20 Q DO YOU SEE ZUNO MEET WITH BARBA HERNANDEZ?

21 A YES. I'M PRESENT.

22 Q DO YOU HEAR THE CONVERSATION?

23 A YES.

24 Q CAN YOU TELL ME WHO SAYS WHAT?

25 A WELL, WHEN THIS HAPPENED, THEN DON RUBEN SAID THIS TO THE

1 ATTORNEY, JAVIER BARBA: THAT HE NEEDED TO PICK UP THOSE FIVE
2 TONS, BECAUSE HE COULD NOT STOP THE TROUBLE, BECAUSE THE
3 TROUBLE WAS WITH THE GRINGOS.

4 Q DID HE INDICATE FIVE TONS OF WHAT HE WAS REFERRING TO?

5 A MARIJUANA.

6 Q DOES ZUNO ASK ASSISTANCE OF BARBA IN ANY WAY?

7 A YES.

8 Q WHAT DOES ZUNO SAY TO BARBA?

9 A HE SAID THAT HE NEEDS 25 PERSONS, FOR THEM TO GO DIG UP
10 THAT MARIJUANA.

11 Q WAS HE REFERRING TO THE FIVE TONS?

12 A YES.

13 Q DID HE INDICATE WHERE THE FIVE TONS WERE?

14 A YES.

15 Q WHERE?

16 A IN MASCOTA, JALISCO.

17 Q WHAT DOES BARBA TELL ZUNO, IF ANYTHING?

18 A THAT, YES, HE'S GOING TO GET THE PEOPLE FOR HIM.

19 Q AFTER THAT, DOES RUBEN ZUNO ARCE LEAVE LA QUINTA?

20 A YES.

21 Q WHAT IS THE NEXT THING THAT HAPPENS THEN, MR. CERVANTES?

22 A THEN JAVIER BARBA SPEAKS WITH JAVIER VASQUEZ AND WITH
23 ELISEO.

24 Q WHAT DOES HE TELL THEM?

25 A THAT THEY NEEDED TO GO TO OCOTLAN TO GET TOGETHER THESE

1 PEOPLE THAT WERE NEEDED.

2 MR. NICOLAYSEN: YOUR HONOR, I WOULD ASK FOR A
3 LIMITING INSTRUCTION. MY CLIENT IS NOT CHARGED WITH ANYTHING
4 CONCERNING WHAT HE'S TESTIFYING ABOUT. IT HAS NOTHING TO DO
5 WITH LA LANGOSTA.

6 THE COURT: OVERRULED.

7 BY MR. MEDRANO:

8 Q WHAT IS THE NEXT THING THAT HAPPENS AFTER BARBA SAYS THIS
9 TO JAVIER AND ELISEO?

10 A THEY GO TO OCOTLAN.

11 Q WHAT HAPPENS AFTER THAT, MR. CERVANTES?

12 A THEY RETURN WITH A TARTAN, WITH 25 PERSONS.

13 Q WHAT IS A TARTAN?

14 A IT'S A BIG STAKE TRUCK.

15 Q A BIG STAKE TRUCK?

16 A STAKE.

17 Q S T E A K?

18 A S T A K E.

19 Q THANK YOU. ARE THERE PEOPLE IN THE TRUCK WHEN IT RETURNS?

20 A YES.

21 Q APPROXIMATELY HOW MANY?

22 A EXACTLY 25 PERSONS WHO WERE ON THE TRUCK BED.

23 Q AND ARE ANY OF THE VASQUEZ BROTHERS IN THE TRUCK, AS WELL?

24 MR. NICOLAYSEN: YOUR HONOR, AGAIN I OBJECT. THIS IS
25 CLEARLY IRRELEVANT TO ANYTHING MY CLIENT IS CHARGED WITH.

1 THE COURT: OVERRULED.

2 THE WITNESS: COULD YOU REPEAT IT, PLEASE?

3 BY MR. MEDRANO:

4 Q SURE. ARE ANY OF THE VASQUEZ BROTHERS IN THAT TRUCK, AS
5 WELL?

6 A THEY BROUGHT THEM FROM OCOTLAN.

7 Q WHO?

8 A JAVIER AND ELISEO VASQUEZ VELASCO.

9 MR. STOLAR: MOVE THE STRIKE FROM "OCOTLAN." NO
10 FOUNDATION FOR IT.

11 THE COURT: OVERRULED.

12 BY MR. MEDRANO:

13 Q DO YOU RECALL WHO IT WAS THAT WAS DRIVING THE TARTAN TRUCK,
14 MR. CERVANTES?

15 A ELISEO.

16 Q WHAT'S THE NEXT THING THAT HAPPENS WHEN THESE PEOPLE
17 ARRIVE?

18 A THAT THE ATTORNEY --

19 THE INTERPRETER: ONE MOMENT, YOUR HONOR. (CONFERS
20 WITH WITNESS.)

21 THE WITNESS: THE ATTORNEY, JAVIER BARBA HERNANDEZ,
22 SPEAKS WITH ME PERSONALLY AND SAYS THAT WE'RE GOING TO HAVE
23 THESE 25 PEOPLE IN THE HOUSE, THAT I AM TO LOOK AFTER THEM, I'M
24 TO FEED THEM, AND THAT NOBODY IS TO LEAVE.

25 BY MR. MEDRANO:

1 Q AT ANY TIME, ARE ANY OF THESE 25 PEOPLE THAT ARRIVE GIVEN
2 FIREARMS?

3 A I GIVE THEM TO THEM.

4 Q WHERE DID YOU GET THE GUNS FROM TO PROVIDE TO THEM?

5 A WELL, THE ATTORNEY JAVIER BARBA WENT TO RUBEN'S HOUSE AND
6 HE RETURNED WITH THE WEAPONS.

7 Q HOW MANY GUNS DID YOU DISTRIBUTE?

8 A 20 HANDGUNS AND FIVE LONG WEAPONS.

9 Q MR. CERVANTES, YOU TESTIFIED BEFORE THAT THERE WAS A GUN
10 COLLECTION THAT BARBA KEPT AT THE HOUSE; CORRECT?

11 A YES.

12 Q WHY WEREN'T ANY OF THOSE GUNS PROVIDED TO THE WORKERS?

13 A BECAUSE THE ATTORNEY JAVIER BARBA SAID THAT THIS JOB WAS
14 FOR DON RUBEN AND THAT HE COULD NOT GET HIS WEAPON COLLECTION
15 INVOLVED.

16 Q AT ANY POINT -- STRIKE THAT.

17 HOW LONG WOULD YOU ESTIMATE THAT YOU KEPT THE WORKERS
18 AT THE LA QUINTA RESIDENCE?

19 A JUST ONE NIGHT.

20 Q DO THEY EVENTUALLY LEAVE?

21 A YES.

22 Q DO YOU SEE THEM DEPART LA QUINTA?

23 A YES.

24 Q THEREAFTER, DOES BARBA SPEAK TO YOU AGAIN?

25 A YES.

1 Q DO YOU EVER DISCUSS WITH HIM THAT MARIJUANA AGAIN?

2 A YES.

3 Q CAN YOU TELL ME WHAT BARBA TOLD YOU?

4 A HE SAID THAT THAT PROBLEM HAD BEEN RESOLVED AND THAT THERE
5 WOULD BE NO MORE PROBLEMS IN THAT REGARD.

6 Q MR. CERVANTES, OVER THE NEXT FEW DAYS AFTER THIS INCIDENT,
7 DO YOU CONTINUE TO STAY AT LA QUINTA?

8 A YES.

9 Q AND DO YOU EVER SEE BARBA AGAIN AT LA QUINTA?

10 A YES.

11 Q DOES HE SPEAK TO YOU?

12 A YES.

13 Q WHAT DOES HE TELL YOU?

14 A WELL, HE -- HE MENTIONED, HE TOLD ME, THAT THE TROUBLE HAD
15 GOTTEN A LITTLE WORSE AND THAT HE WAS GOING TO GO INTO HIDING.
16 HE GAVE ME A .357 MAGNUM GUN, 600,000 PESOS, AND A PAIR OF HIS
17 BOOTS. AND HE LEFT AND SAID THAT HE WOULD BE IN TOUCH WITH ME
18 LATER.

19 Q DID YOU RECEIVE ANY INSTRUCTIONS WHETHER OR NOT YOU COULD
20 STAY AT THE HOUSE OR WHETHER YOU HAD TO LEAVE?

21 A NO.

22 Q DO YOU STAY AT THE HOUSE, HOWEVER?

23 A YES.

24 Q MR. CERVANTES, WHILE YOU'RE STILL AT THE HOUSE, AT ANY
25 POINT DO YOU RECEIVE A PHONE CALL FROM JAVIER VASQUEZ?

1 A YES.

2 Q WHAT DOES JAVIER VASQUEZ TELL YOU ON THE PHONE?

3 A HE SAYS THAT, "THIS IS JAVIER, TIERRA LIBRE."

4 MR. NICOLAYSEN: OBJECTION, YOUR HONOR, TO THE USE OF
5 THE TERM.

6 THE COURT: OVERRULED.

7 BY MR. MEDRANO:

8 Q WHAT ELSE DOES HE SAY?

9 A COULD YOU REPEAT IT, PLEASE?

10 Q WHAT ELSE DOES JAVIER VASQUEZ TELL YOU ON THE TELEPHONE?

11 A HE SAID HIS NAME, AND HE SAID THAT HE KNEW THAT THE
12 ATTORNEY HAD RETURNED TO THE HOUSE, TO LA QUINTA, WHETHER I
13 KNEW THE ATTORNEY HAD COME TO THE HOUSE, THAT HE HAD TO TELL ME
14 ABOUT SOMETHING THAT HAD HAPPENED.

15 MR. NICOLAYSEN: YOUR HONOR, I OBJECT. THIS HAS
16 NOTHING TO DO WITH THE CHARGES IN THE INDICTMENT AGAINST MY
17 CLIENT. I MOVE TO STRIKE IT.

18 THE COURT: OVERRULED.

19 BY MR. MEDRANO:

20 Q DOES HE TELL YOU WHAT IT IS THAT HE HAD TO TELL BARBA?

21 A YES.

22 Q WHAT?

23 A THAT PAVON HAD KILLED EVERYBODY IN THE BRAVO FAMILY.

24 MR. NICOLAYSEN: SAME OBJECTION, YOUR HONOR, AND MOVE
25 TO STRIKE. IT'S COMPLETELY IRRELEVANT.

1 MR. MEDRANO: YOUR HONOR --

2 THE COURT: WHAT IS THE RELEVANCE OF THIS?

3 MR. MEDRANO: ASSOCIATION, YOUR HONOR; PART OF THE
4 CARTEL; FURTHER EVIDENCE THAT HE'S A MEMBER OF THE ENTERPRISE;
5 AND IT'S ADMISSION AGAINST A PARTY UNDER RULE 801.

6 MR. STOLAR: THIS IS POST-EVENT DISCUSSION OF OTHER
7 CRIMES, APPARENTLY, THAT ARE COMING IN.

8 MR. NICOLAYSEN: THAT'S CORRECT, YOUR HONOR.

9 THE COURT: JUST A MOMENT. THE OBJECTION'S OVERRULED.

10 BY MR. MEDRANO:

11 Q MR. CERVANTES, GO AHEAD WITH THE ANSWER. I'M SORRY.

12 A AND THAT THE BODIES WERE THERE AT LA PRIMAVERA, AND THAT
13 THEY WOULD HAVE TO BE MOVED BECAUSE IT BELONGED TO DON RUBEN,
14 AND THAT DON RUBEN WOULD BE IN TROUBLE.

15 Q AFTER THIS PHONE CONVERSATION, AT ANY TIME DID YOU SEE
16 BARBA HERNANDEZ?

17 A YES.

18 Q DO YOU PASS THIS MESSAGE ON FROM JAVIER VASQUEZ TO YOUR
19 BOSS?

20 A YES.

21 Q WHAT DOES BARBA DO NEXT, AFTER YOU TELL HIM?

22 A HE PICKED UP THE PHONE. I DIDN'T HEAR WHAT HE DIALED.

23 HE PICKED UP THE PHONE. I WAS NEXT TO HIM. AND HE
24 GOT IN TOUCH WITH JAVIER VASQUEZ, THE TIERRA LIBRE.

25 Q ON THE PHONE, DOES HE SAY "JAVIER VASQUEZ"?

1 A YES.

2 Q NOW, WHAT DID BARBA SAY ON THE TELEPHONE?

3 A THAT WHAT HAD BEEN DONE WAS BAD, THAT THEY SHOULD TAKE THE
4 BODIES AWAY FROM THERE.

5 Q MR. CERVANTES, HAVE YOU EVER BEEN ARRESTED IN THE REPUBLIC
6 OF MEXICO?

7 A NO.

8 Q HAVE YOU EVER BEEN ARRESTED IN THE UNITED STATES?

9 A NO.

10 Q HAVE YOU EVER BEEN CONVICTED OF -- I'M SORRY. HAVE YOU
11 EVER BEEN CONVICTED OF ANY CRIME IN MEXICO?

12 A NO.

13 Q IN THE UNITED STATES?

14 MR. MEZA: OBJECTION, YOUR HONOR. THIS IS IRRELEVANT.

15 THE WITNESS: NO.

16 THE COURT: SUSTAINED.

17 BY MR. MEDRANO:

18 Q WHEN DID YOU COME TO THE UNITED STATES TO RESIDE
19 PERMANENTLY, MR. CERVANTES?

20 MR. STOLAR: OBJECTION. ASSUMES A FACT THAT'S NOT IN
21 EVIDENCE.

22 THE COURT: OVERRULED.

23 MS. KELLY: IT'S NOT RELEVANT.

24 THE COURT: OVERRULED.

25 BY MR. MEDRANO:

1 Q WHEN DID YOU COME TO THE UNITED STATES PERMANENTLY?

2 A DECEMBER OF 89.

3 Q ARE YOU HERE TO TESTIFY VOLUNTARILY?

4 A YES.

5 Q SINCE COMING TO THE UNITED STATES IN DECEMBER OF 89, HAVE
6 YOU RECEIVED MONEY FROM THE D.E.A.?

7 A YES.

8 Q AND DO YOU -- WELL, HOW MUCH HAVE YOU RECEIVED FROM THE
9 D.E.A.?

10 A APPROXIMATELY SOME \$25,000.00.

11 Q HAVE YOU BEEN RECEIVING MONEY ON A MONTHLY BASIS?

12 A YES.

13 Q APPROXIMATELY HOW MUCH?

14 A 3,000.

15 Q WHAT DO YOU USE THIS MONEY FOR?

16 A I USE IT FOR MY FAMILY, TO PAY THE RENT, TO LIVE.

17 Q HAVE YOU BEEN PROVIDED MONEY, IN ADDITION, BY THE D.E.A.,
18 FOR RELOCATION?

19 A YES.

20 Q FOR YOUR SECURITY?

21 A YES.

22 Q HAS ANY REWARD EVER BEEN PAID TO YOU BY THE D.E.A., MR.
23 CERVANTES?

24 A NO.

25 Q HAS ANY REWARD BEEN PROMISED TO YOU BY THE D.E.A. OR

1 ANYBODY ELSE?

2 A NOTHING.

3 Q NOW, HAVE YOU BEEN ADVISED BY THE GOVERNMENT, MR.
4 CERVANTES, THAT YOU CAN REMAIN IN THE UNITED STATES SHOULD YOU
5 DESIRE?

6 A YES.

7 MR. MEDRANO: MAY I HAVE JUST ONE MÔMENT, YOUR HONOR?
8 (PAUSE.)

9 YOUR HONOR, IF I CAN JUST CONFIRM WITH MADAM CLERK
10 THAT I DID MOVE INTO EVIDENCE GOVERNMENT'S EXHIBIT 54, A
11 PHOTOGRAPH.

12 THE COURT: WELL, IF NOT --

13 MR. MEDRANO: WELL, WE WOULD SEEK ITS ADMISSION, YOUR
14 HONOR. IT'S IDENTIFIED BY THE WITNESS.

15 THE COURT: IT MAY BE ADMITTED.

16 (EXHIBIT 54 # RECEIVED IN EVIDENCE.)

17 MR. MEDRANO: THERE WAS A TERM USED BY THE WITNESS IN
18 SPANISH THAT WAS TRANSLATED BY THE INTERPRETER. AT THIS TIME,
19 WITH YOUR PERMISSION, I'D LIKE THE INTERPRETER TO GIVE BOTH THE
20 LITERAL TRANSLATION, AS WELL AS THE ONE THAT SHE GAVE FOR THE
21 RECORD --

22 THE COURT: WELL, WHAT IS THE TERM?

23 MR. MEDRANO: MORE SPECIFICALLY, IN SPANISH, IT IS,
24 "LA BOCA CERRADA NO ENTRA MOSCAS," WHICH I BELIEVE THE
25 INTERPRETER, WHO IS CERTIFIED, OBVIOUSLY, CAN GIVE US A LITERAL

1 TRANSLATION, AS WELL AS REPEAT THE TRANSLATION THAT SHE
2 PROVIDED FOR THE RECORD.

3 MR. STOLAR: I DON'T SEE ANY REASON FOR THAT.

4 THE COURT: JUST A MOMENT.

5 DO YOU HAVE ANY REASON TO CHANGE THAT TRANSLATION?

6 THE INTERPRETER: NOT TO CHANGE IT, YOUR HONOR, NO.

7 MR. MEDRANO: I'M NOT ASKING HER TO CHANGE IT, YOUR
8 HONOR. I JUST SIMPLY WANTED TO BRING OUT THAT IT IS
9 SUSCEPTIBLE TO TWO MEANINGS.

10 MR. NICOLAYSEN: OBJECTION TO THE PROFFER, YOUR HONOR
11 UNTIL THE COURT HAS DECIDED.

12 THE COURT: THAT REQUEST IS DENIED.

13 MR. MEDRANO: VERY WELL, YOUR HONOR. THAT CONCLUDES
14 EXAMINATION AT THIS TIME.

15 THE COURT: YOU MAY CROSS-EXAMINE THE WITNESS.

16 CROSS-EXAMINATION +

17 BY MR. MEDVENE:

18 Q MR. CERVANTES, MR. ZUNO HAD NOTHING OF ANY KIND TO DO WITH
19 THE KILLING OF THE AMERICANS AT THE LA LANGOSTA RESTAURANT;
20 ISN'T THAT CORRECT, SIR?

21 MR. MEDRANO: NO FOUNDATION, YOUR HONOR, FOR THIS
22 QUESTION.

23 THE COURT: SUSTAINED.

24 BY MR. MEDVENE:

25 Q MR. CERVANTES, MR. ZUNO WAS NOT AT JAVIER BARBA HERNANDEZ'S

1 LOS ANGELES + CALIFORNIA THURSDAY, MAY 24, 1990
2 + 10:00 A.M.
3

4 (JURY PRESENT.)

5 THE COURT: GOOD MORNING.

6 MR. MEDRANO: GOOD MORNING.

7 THE COURT: DO YOU HAVE SOME FURTHER QUESTIONS FOR
8 THIS WITNESS?

9 MR. MEDRANO: WE DO, YOUR HONOR. THANK YOU.
10

11 HECTOR CERVANTES SANTOS + PLAINTIFFS WITNESS, PREVIOUSLY SWORN
12

13 DIRECT EXAMINATION + CONTINUED

14 BY MR. MEDRANO:

15 Q. GOOD MORNING, MR. CERVANTES.

16 A. GOOD MORNING.

17 Q. MR. CERVANTES, HAVE YOU EVER HEARD OF SOMETHING CALLED LA
18 QUINTA?

19 A. YES.

20 Q. WHAT IS IT?

21 A. IT WAS ATTORNEY JAVIER BARBA HERNANDEZ'S HOUSE.

22 Q. WAS THIS THE HOUSE FOR WHICH YOU WERE THE HEAD OF
23 SECURITY?

24 A. YES.

25 Q. I'D LIKE TO DIRECT YOUR ATTENTION NOW STILL TO THE YEAR

1 1984, MR. CERVANTES. AT THE RESIDENCE OF JAVIER BARBA
2 HERNANDEZ DID YOU EVER SEE LAW ENFORCEMENT CREDENTIALS?

3 A. YES.

4 Q. ON HOW MANY DIFFERENT OCCASIONS?

5 A. TWICE.

6 Q. I'D LIKE TO DISCUSS THE FIRST TIME WITH YOU, MR.
7 CERVANTES. ON THAT FIRST OCCASION, WHO WAS AT THE HOUSE OF
8 JAVIER BARBA HERNANDEZ?

9 A. I WAS THERE, JAVIER VASQUEZ VELASCO WAS THERE, RICA OF THE
10 SAME LAST NAME, AND ELISEO.

11 Q. YOU SAID RICA; IS THAT AN ABBREVIATION OR SHORT NAME FOR
12 ANOTHER NAME?

13 A. IT'S RICARDO, BUT HE WAS CALLED RICA.

14 Q. ARE YOU FAMILIAR WITH A PERSON BY THE NAME OF EL ITALIANO?

15 A. YES.

16 Q. ARE YOU FAMILIAR WITH A PERSON ANY HAVE BY THE NAME OF EL
17 CORITA? C O R I T A.

18 A. YES.

19 Q. WERE EITHER OF THOSE TWO PEOPLE AT THE BARBA RESIDENCE ON
20 THIS DAY?

21 A. YES.

22 Q. SPEAKING ABOUT CORITA, MR. CERVANTES, IS THAT HIS REAL
23 NAME OR DOES HE HAVE ANOTHER NAME?

24 A. I ONLY KNOW THAT HE'S CALLED SALVADOR.

25 Q. DO YOU KNOW HIS LAST NAME, SIR?

1 A. NO.

2 Q. AT ANY POINT ON THIS PARTICULAR DAY, MR. CERVANTES, DOES
3 ANYBODY ARRIVE AT THE RESIDENCE OF MR. JAVIER BARBA?

4 MS. KELLY: YOUR HONOR, EXCUSE ME. I DON'T BELIEVE
5 THE WITNESS HAS IDENTIFIED THE DATE.

6 MR. NICOLAYSEN: I JOIN THAT OBJECTION, YOUR HONOR.
7 VAGUE AS TO TIME.

8 MR. MEDRANO: HE HAS INDICATED 1984, YOUR HONOR.

9 THE COURT: WELL, CAN YOU PIN IT DOWN?

10 MR. MEDRANO: I'LL TRY, YOUR HONOR.

11 BY MR. MEDRANO:

12 Q. MR. CERVANTES, DO YOU HAVE ANY IDEA WHAT MONTH IN 1984
13 OCCURRED WHAT YOU'RE ABOUT TO DISCUSS WITH US?

14 A. IT WAS APPROXIMATELY IN THE MONTH OF SEPTEMBER.

15 Q. 1984?

16 A. YES.

17 Q. NOW, DOES ANYONE ARRIVE AT THE BARBA RESIDENCE AT THIS
18 PARTICULAR OCCASION?

19 A. YES.

20 Q. WHO, MR. CERVANTES?

21 A. DON RUBEN ZUNO-ARCE.

22 Q. IS HE ALONE?

23 A. NO.

24 Q. WHO'S HE WITH?

25 A. TWO PERSONS.

1 Q. DO YOU KNOW WHO THESE TWO PEOPLE WERE?

2 A. THERE WERE DRESSED LIKE MILITARY MEN, BUT I DON'T KNOW WHO
3 THEY WERE.

4 Q. WERE ANY OF THESE TWO MILITARY MEN A CHAUFFEUR?

5 A. YES.

6 MS. KELLY: OBJECTION, YOUR HONOR, LACK OF
7 FOUNDATION.

8 THE COURT: OVERRULED.

9 MR. MEDRANO: I DIDN'T HEAR YOUR ANSWER, MR.
10 CERVANTES.

11 THE WITNESS: COULD YOU REPEAT IT, PLEASE?

12 BY MR. MEDRANO:

13 Q. WAS EITHER OF THESE TWO MILITARY MEN A CHAUFFEUR?

14 A. YES.

15 Q. WHAT HAPPENS WHEN RUEBEN ZUNO ARCE ARRIVES AT THIS HOUSE,
16 LA QUINTA?

17 A. HE AND ONE OF THE MILITARY MEN GO INTO THE LIVING ROOM
18 WHERE THE ATTORNEY WAS.

19 Q. WHAT HAPPENED -- WELL, STRIKE THAT.

20 DOES ANYBODY ELSE ENTER THE LIVING ROOM AFTER ZUNO
21 DOES?

22 A. NO.

23 Q. WHERE IS JAVIER BARBA HERNANDEZ?

24 A. HE IS THE ATTORNEY. HE IS THERE.

25 Q. ALONG WITH ZUNO?

1 A. YES.

2 Q. AND THE MILITARY MAN?

3 A. YES.

4 Q. ARE YOU PRESENT NOW?

5 MR. MEDVENE: OBJECTION; LEADING AND SUGGESTIVE, YOUR
6 HONOR. HE JUST SAID THE ONLY PEOPLE THERE WERE MR. ZUNO, THE
7 MILITARY MAN AND MR. BARBA HERNANDEZ.

8 THE COURT: OVERRULED.

9 BY MR. MEDRANO:

10 Q. ARE YOU ALSO IN THE LIVING ROOM?

11 A. YES.

12 Q. DOES ANYTHING HAPPEN?

13 A. YES.

14 Q. WHAT, MR. CERVANTES?

15 A. DON RUBEN ZUNO-ARCE GIVES FIVE CREDENTIALS TO ATTORNEY
16 JAVIER BARBA HERNANDEZ.

17 Q. DOES HE SAY ANYTHING TO BARBA AS HE HANDS HIM THE
18 CREDENTIALS?

19 A. NO.

20 Q. IN THAT LIVING ROOM, DO YOU HAVE AN OPPORTUNITY TO LOOK AT
21 THESE CREDENTIALS?

22 A. YES.

23 Q. WHAT TYPE OF CREDENTIALS ARE THEY?

24 A. FROM THE D.F.S.

25 Q. ARE THERE PHOTOGRAPHS ON THESE CREDENTIALS?

1 A. YES.

2 Q. DO YOU RECOGNIZE THE PHOTOGRAPHS?

3 A. YES.

4 Q. CAN YOU IDENTIFY THOSE PHOTOGRAPHS FOR US?

5 A. YES.

6 Q. GO AHEAD.

7 A. EL ITALIANO, EL CORITA, ELISEO VASQUEZ VELASCO, JAVIER
8 VASQUEZ VELASCO, AND A PERSON THAT WE CALLED EL CHAVO.

9 Q. MR. CERVANTES, I WANT TO DIRECT YOUR ATTENTION NOW TO THE
10 SECOND TIME YOU SAID THAT YOU SAW CREDENTIALS AT THE BARBA
11 RESIDENCE.

12 DO YOU KNOW APPROXIMATELY HOW LONG THE SECOND
13 OCCASION WAS -- HOW MANY DAYS OR WEEKS LATER THAT OCCURRED
14 AFTER THE FIRST ONE YOU'VE JUST DESCRIBED?

15 A. FIVE OR SIX DAYS.

16 Q. ON THE SECOND OCCASION, ARE YOU AT THE HAVIER BARBA
17 RESIDENCE?

18 A. YES.

19 Q. DOES ANYONE ARRIVE AT THE RESIDENCE?

20 A. YES.

21 Q. WHO ARRIVES?

22 A. DON RUBEN ZUNO ARCE AND HIS DRIVER, DAVID MACIAS.

23 Q. DO YOU KNOW IF -- STRIKE THAT.

24 COULD YOU SEE IF DAVID MACIAS WAS ARMED?

25 A. YES.

1 Q. NOW, AT THE TIME THAT ZUNO ARRIVED AT THE HOUSE, WHO WAS
2 ALREADY PRESENT AT THE HOUSE, IF ANYBODY, MR. CERVANTES?

3 A. YES.

4 Q. COULD YOU TELL ME WHO?

5 A. ELISEO VASQUEZ VELASCO WAS THERE AND HIS BROTHER, JAVIER.

6 Q. THAT'S JAVIER VELASCO?

7 A. YES.

8 Q. ANYBODY ELSE?

9 A. EL CORITA WAS THERE, EL ITALIANO WAS THERE, JUNIOR WAS
10 THERE.

11 Q. WHAT IS JUNIOR'S FULL NAME?

12 A. JAVIER VASQUEZ OCHOA -- EXCUSE ME -- ANTONIO VASQUEZ
13 OCHOA.

14 Q. WERE ANY OF THE OTHER VASQUEZ BROTHERS THERE BESIDES THE
15 ONES YOU'VE MENTIONED?

16 A. ANTONIO.

17 Q. WELL, IS THIS ANTONIO DIFFERENT FROM THE ANTONIO VASQUEZ
18 OCHOA THAT YOU JUST MENTIONED?

19 A. YES.

20 Q. WHAT IS THIS OTHER ANTONIO'S FULL NAME, IF YOU KNOW?

21 A. ANTONIO VASQUEZ VELASCO.

22 Q. IS ANTONIO VASQUEZ VELASCO, TO YOUR KNOWLEDGE, RELATED TO
23 ANTONIO VASQUEZ OCHOA?

24 A. YES.

25 Q. WHAT IS THAT RELATIONSHIP?

1 A. HE'S HIS FATHER.

2 Q. JUST TO BE CLEAR THEN, GIVE ME THE NAME OF THE FATHER, THE
3 FULL NAME.

4 A. ANTONIO VASQUEZ VELASCO.

5 Q. AND VASQUEZ OCHOA IS THE SON?

6 A. YES.

7 Q. ARE YOU AT THE HOUSE WHEN ZUNO ARRIVES?

8 A. YES.

9 Q. IS YOUR BOSS, JAVIER BARBA HERNANDEZ?

10 A. YES.

11 Q. WHAT HAPPENS WHEN ZUNO-ARCE ARRIVES AT THE HOUSE,
12 MR. CERVANTES?

13 A. HE GIVES A CREDENTIAL TO ATTORNEY JAVIER BARBA.

14 Q. DOES THIS TAKE PLACE IN A PARTICULAR ROOM IN THE
15 HOUSEHOLD?

16 A. IN THE LIVING ROOM.

17 Q. AND AT THE TIME THE CREDENTIAL WAS PROVIDED, WHO WAS IN
18 THE ROOM?

19 A. JUST ATTORNEY JAVIER BARBA, DON RUBEN AND I.

20 Q. WHEN ZUNO PROVIDES THIS CREDENTIAL, DOES HE SAY ANYTHING
21 TO BARBA HERNANDEZ?

22 A. YES.

23 Q. WHAT?

24 A. THAT HE SHOULDN'T WORRY, THAT EVERYTHING IS GOING FINE,
25 THAT IF IT'S NECESSARY FOR HIM TO SEND SOLDIERS TO LOOK AFTER

1 THE LAND, HE WILL DO SO.

2 Q. DID HE DESCRIBE OR INDICATE WHAT LAND HE WAS REFERRING TO?

3 A. YES.

4 Q. WHAT?

5 A. MARIJUANA FIELDS.

6 MR. NICOLAYSEN: I OBJECT TO THIS QUESTION AS BEING
7 IRRELEVANT. IT IS NOT IN ANY WAY CONNECTED TO THE CHARGES
8 AGAINST MY CLIENT.

9 THE COURT: OVERRULED.

10 BY MR. MEDRANO:

11 Q. YOU WERE DESCRIBING THE LAND. WOULD YOU SAY THAT AGAIN,
12 MR. CERVANTES?

13 A. THEY WERE PLANTED WITH MARIJUANA.

14 Q. THESE SOLDIERS WERE TO BE SENT TO PROTECT THE MARIJUANA?

15 MR. MEDVENE: LEADING AND SUGGESTIVE.

16 MR. NICOLAYSEN: LACK OF FOUNDATION.

17 THE COURT: SUSTAINED. RESTATE THE QUESTION. ASK
18 THE WITNESS TO DESCRIBE THE CONVERSATION.

19 MR. MEDRANO: THANK YOU, YOUR HONOR.

20 BY MR. MEDRANO:

21 Q. MR. CERVANTES, DID ZUNO INDICATE WHY HE WAS SENDING THESE
22 SOLDIERS?

23 A. NO.

24 Q. DID YOU TAKE-- STRIKE THAT.

25 DID YOU HAVE AN OPPORTUNITY TO EXAMINE OR LOOK AT

1 THAT CREDENTIAL?

2 A. YES.

3 Q. WHAT LAW ENFORCEMENT AGENCY WAS IT FOR?

4 A. THE D.F.S.

5 Q. WAS THERE A PHOTOGRAPH ON THE CREDENTIAL?

6 A. YES.

7 Q. CAN YOU IDENTIFY THE PHOTOGRAPH?

8 A. YES.

9 Q. WHO WAS IT?

10 A. JORGE BARBA HERNANDEZ.

11 Q. WHO WAS THAT?

12 A. HE'S ATTORNEY JAVIER BARBA HERNANDEZ'S BOTHER.

13 Q. NOW, MR. CERVANTES, ARE YOU FAMILIAR WITH SOMETHING THAT
14 IS CALLED IN SPANISH EL ABRAZO? A B R A Z O.

15 A. YES.

16 Q. COULD YOU TELL US AND THE JURY WHAT THAT IS?

17 A. WELL, IT'S LIKE HUGGING A PERSON.

18 Q. IS THIS DONE WHEN SOMEONE GREETES ANOTHER PERSON?

19 A. NOT JUST THAT; IT'S WHEN YOU -- WHEN YOU LIKE SOMEBODY.

20 Q. MR. CERVANTES, DID YOU EVER SEE ZUNO-ARCE AND BARBA
21 HERNANDEZ GIVE EACH OTHER EL ABRAZO?

22 A. YES.

23 Q. HOW OFTEN WOULD YOU SEE THAT?

24 A. EVERY TIME THEY SAW EACH OTHER.

25 Q. MR. CERVANTES, LET ME TAKE YOU PAST THIS CREDENTIAL

1 INCIDENT THAT YOU DESCRIBED.

2 MR. NICOLAYSEN: OBJECTION, YOUR HONOR, IRRELEVANT --
3 THIS LINE OF QUESTIONING.

4 THE COURT: OVERRULED.

5 BY MR. MEDRANO:

6 Q. AFTER THE INCIDENT OF THE SECOND CREDENTIAL, MR.
7 CERVANTES, DO YOU EVER SEE RUBEN ZUNO ARCE AT BARBA'S HOUSE
8 AGAIN?

9 A. YES.

10 Q. WOULD YOU DESCRIBE THAT INCIDENT, PLEASE?

11 A. IT WAS DURING THE WEDDING OF ATTORNEY JAVIER BARBA
12 HERNANDEZ'S BROTHER, JORGE BARBA HERNANDEZ.

13 Q. MR. CERVANTES, DID YOU EVER GIVE MONEY TO RUBEN ZUNO ARCE?

14 A. YES.

15 Q. NOW, WOULD YOU DESCRIBE THAT INCIDENT OR INCIDENTS.

16 MR. MEDVENE: IF THE COURT PLEASE, COULD WE HAVE A
17 DATE OR TIME?

18 MR. MEDRANO: I'LL DO THAT RIGHT NOW, YOUR HONOR.

19 THE COURT: ALL RIGHT.

20 BY MR. MEDRANO:

21 A. MR. CERVANTES, BEFORE YOU ANSWER THAT QUESTION, CAN YOU
22 GIVE ME THE APPROXIMATE DATE FOR THE INCIDENT YOU'RE ABOUT TO
23 DESCRIBE?

24 A. YES.

25 Q. WHEN WAS THAT?

1 A. BEGINNING OF OCTOBER OF '84.

2 Q. NOW DESCRIBE THIS INCIDENT ABOUT PROVIDING MONEY.

3 A. WELL, I WAS AT THE ATTORNEY'S HOUSE AND DON RUBEN AND HIS
4 DRIVER ARRIVED.

5 Q. IS BARBA AT THE HOUSE WHEN ZUNO ARRIVES?

6 A. NO.

7 Q. KEEP GOING.

8 A. HE ASKED ME WHETHER THE ATTORNEY IS THERE -- THE DRIVER
9 DOES. HE WASN'T THERE.

10 AND I TOLD HIM THAT I HAD SOMETHING THAT I HAD TO
11 GIVE TO HIM, THAT THE ATTORNEY HAD LEFT FOR ME TO GIVE TO HIM.

12 Q. DID YOU GIVE HIM SOMETHING?

13 MR. MEDVENE: OBJECTION; MOVE TO STRIKE, HEARSAY.
14 HE'S APPARENTLY TALKING ABOUT SOME CONVERSATION WITH SOME
15 UNIDENTIFIED DRIVER.

16 THE COURT: OVERRULED.

17 BY MR. MEDRANO:

18 Q. DID YOU GIVE SOMETHING -- STRIKE THAT. PERHAPS YOU'VE
19 ANSWERED THIS, BUT DO YOU KNOW THE NAME OF THE CHAUFFEUR?

20 A. YES.

21 Q. WHAT IS THAT?

22 A. DAVID MACIAS BAJARAS.

23 Q. DID YOU GIVE SOMETHING TO THE CHAUFFEUR, DAVID MACIAS
24 BAJARAS.

25 Q. WHAT?

1 A. A BRIEFCASE WITH DOLLARS.

2 Q. DO YOU REMEMBER THE COLOR OF THE BRIEFCASE?

3 A. YES.

4 Q. WHAT?

5 A. BLACK.

6 Q. HAVE YOU HAD AN OPPORTUNITY TO LOOK INSIDE THE BRIEFCASE?

7 A. I SAW IT WHEN THE ATTORNEY WAS ABOUT TO CLOSE IT BEFORE
8 GIVING IT TO ME.

9 Q. WHAT DID YOU SEE INSIDE THE BRIEFCASE?

10 A. THERE WERE \$100 BILLS.

11 Q. WAS THAT UNITED STATES CURRENCY?

12 A. YES.

13 Q. WHAT DID THE CHAUFFEUR DO WITH THIS BRIEFCASE AFTER YOU
14 GAVE IT TO HIM?

15 A. HE WENT TO THE CAR WHERE DON RUBEN WAS AND GAVE IT TO HIM.

16 Q. THEREAFTER, DID THEY DEPART?

17 A. YES.

18 Q. WAS THERE EVER ANY OTHER OCCASION THAT YOU PROVIDED MONEY
19 TO ZUNO?

20 A. YES.

21 Q. DID THIS HAPPEN -- STRIKE THAT.

22 HOW LONG AFTER THIS FIRST MONEY INCIDENT DID THAT
23 OCCUR?

24 A. THREE DAYS, FOUR DAYS.

25 Q. WOULD YOU DESCRIBE THAT INCIDENT, MR. CERVANTES?

1 A. YES.

2 Q. PROCEED, PLEASE.

3 A. DON RUBEN ARRIVED WITH HIS DRIVER, DAVID MACIAS. I GAVE
4 HIM THE MONEY. I HAD IT THERE ALREADY.

5 Q. WHO DID YOU GIVE THE MONEY TO?

6 A. TO DON RUBEN ZUNO ARCE.

7 Q. WHEN THIS OCCURS, IS YOUR BOSS, JAVIER BARBA, IN THE
8 HOUSE?

9 A. YES.

10 Q. THIS MONEY, WHAT KIND OF CONTAINER WAS IT IN?

11 A. IT WAS IN A BIG BOX.

12 Q. AND WAS THE MONEY IN THERE UNITED STATES CURRENCY?

13 A. YES.

14 Q. DO YOU REMEMBER THE DENOMINATIONS OF THE BILLS?

15 A. THERE WERE 20'S, 50'S AND 100'S.

16 Q. AFTER THAT, DID ZUNO AND DAVID -- AND THE CHAUFFEUR LEAVE
17 AGAIN?

18 A. YES.

19 Q. MR. CERVANTES, JORGE BARBA HERNANDEZ IS THE BROTHER OF
20 JAVIER BARBA?

21 A. YES.

22 Q. WERE YOU EVER PRESENT FOR A WEDDING FOR JORGE BARBA
23 HERNANDEZ?

24 A. YES.

25 Q. COULD YOU GIVE ME THE DATE OF THIS EVENT?

1 A. IT WAS DURING THAT SAME MONTH OF OCTOBER OF '84.

2 Q. LET ME DIRECT YOUR ATTENTION NOW TO THE ACTUAL DATE OF
3 THIS WEDDING, MR. CERVANTES.

4 Q. ON THIS DATE, DO YOU HAVE AN OCCASION TO GO TO THE
5 GUADALAJARA AIRPORT?

6 A. YES.

7 Q. WHY DO YOU GO TO THE AIRPORT?

8 A. BECAUSE OF ORDERS FROM ATTORNEY JAVIER BARBA HERNANDEZ.

9 Q. ARE YOU ACCOMPANIED BY ANYBODY WHEN YOU GO TO THE AIRPORT?

10 A. YES.

11 Q. WHO?

12 A. JORGE BARBA HERNANDEZ.

13 Q. WHY DO YOU GO TO THE AIRPORT, MR. CERVANTES?

14 A. WE WERE GOING TO PICK UP A PERSON WHO WAS WAITING FOR US.

15 Q. DO YOU, IN FACT, GO TO THE AIRPORT?

16 A. YES.

17 Q. WHO WAS DRIVING?

18 A. JORGE DID.

19 Q. WHAT HAPPENS WHEN YOU ARRIVE AT THE GUADALAJARA AIRPORT.

20 A. THERE WERE TWO PEOPLE THERE WAITING FOR US ALREADY.

21 MR. MEDRANO: YOUR HONOR, WITH THE COURT'S
22 PERMISSION -- MR. CERVANTES, I'D LIKE TO ASK YOU TO STAND.

23 COULD YOU TELL ME IF YOU SEE IN THE COURTROOM EITHER OF THOSE

24 TWO MEN THAT YOU PICKED UP AT THE AIRPORT?

25 (WITNESS STANDING AND SCANNING THE ROOM.)

1 BY MR. MEDRANO:

2 Q. DO YOU SEE THEM OR DO YOU NEED TO STEP DOWN?

3 A. I CAN SEE HIM FROM HERE.

4 Q. CAN YOU POINT HIM OUT AND DESCRIBE SOMETHING HE'S WEARING?

5 A. HE HAS A BLACK TIE AND A DARK COAT.

6 THE COURT: WHICH TABLE.

7 MR. MEDRANO: WHICH TABLE ARE YOU POINTING TO?

8 THE WITNESS: OVER THERE (INDICATING.)

9 MR. MEDRANO: YOUR HONOR, MAY THE WITNESS ACTUALLY
10 POINT TO THE PERSON HE IS IDENTIFYING?

11 THE COURT: YES.

12 (WITNESS STEPPING DOWN FROM THE WITNESS STAND.)

13 MR. MEDRANO: CAN YOU POINT TO HIM, IF YOU SEE HIM.

14 THE WITNESS: OVER THERE (INDICATING).

15 THE COURT: THE WITNESS HAS INDICATED MR. MATTA.

16 MR. STOLAR: THE RECORD SHOULD REFLECT MR. MATTA IS
17 WEARING A RED TIE, IF THE COURT PLEASE.

18 MR. MEDRANO: BUT THAT HE POINTED TO MATTA, YOUR
19 HONOR.

20 THE COURT: YES.

21 MR. MEDRANO: MR. CERVANTES, YOU MAY RETURN TO THE
22 WITNESS CHAIR. THANK YOU.

23 (WITNESS RESUMING THE WITNESS STAND.)

24 BY MR. MEDRANO:

25 Q. MR. CERVANTES, IN ADDITION TO THE DEFENDANT MATTA, THERE

1 IS A SECOND PERSON WITH HIM THAT YOU PICKED UP AT THE AIRPORT?

2 A. NO.

3 Q. WELL, HOW MANY PEOPLE DID YOU PICK UP AT THE AIRPORT?

4 A. WELL, WE WENT TO PICK UP A PERSON. I DIDN'T KNOW WE WERE
5 SUPPOSED TO PICK UP SOME PEOPLE.

6 Q. WHEN YOU GOT THERE, WAS ONE OF THOSE PEOPLE MATTA?

7 A. YES.

8 Q. WAS THERE ANOTHER PERSON THERE, AS WELL?

9 A. YES.

10 Q. DID YOU EVER LEARN THAT PERSON'S NAME?

11 A. NO.

12 Q. MR. CERVANTES, DOES MATTA ENTER THE VAN -- STRIKE THAT.

13 WHAT KIND OF VEHICLE DID YOU TAKE TO THE AIRPORT?

14 A. ONE OF DON ERNESTO FONSECA'S VANS.

15 Q. DO YOU TRANSPORT MATTA ANYWHERE?

16 A. YES.

17 Q. AND THE SECOND PERSON, AS WELL, THAT YOU DON'T KNOW THE
18 NAME?

19 A. YES.

20 Q. NOW, MR. CERVANTES, DO YOU KNOW A MAN BY THE NAME OF
21 ARMANDO PAVON REYES?

22 A. YES.

23 Q. MAY I ASK YOU TO LOOK AT GOVERNMENT EXHIBIT 52.

24 HAVE YOU FOUND IT?

25 A. YES.

1 Q. COULD YOU TELL ME WHAT GOVERNMENT EXHIBIT 52 IS?

2 A. IT IS THIS PERSON, ARMANDO PAVON REYES.

3 MR. MEDRANO: WE MOVE ITS ADMISSION, YOUR HONOR.

4 THE COURT: IT MAY BE RECEIVED.

5 MR. MEDRANO: YOU MAY PUT THE PHOTOGRAPH DOWN,

6 MR. CERVANTES.

7 (EXHIBIT # 52 RECEIVED IN EVIDENCE.)

8 BY MR. MEDRANO:

9 Q. WHEN YOU'RE AT THE AIRPORT, DO YOU EVER SEE ARMANDO PAVON
10 REYES?

11 A. YES.

12 Q. GIVE US THE CIRCUMSTANCES.

13 A. IT WAS JUST WHEN WE WERE ALREADY IN THE VAN, A PERSON CAME
14 UP WHO WAS ARMED, WITH SEVERAL PEOPLE. AND PAVON REYES CAME
15 UP TO JORGE AND ASKED HIM WHETHER HE WAS THE ATTORNEY'S PEOPLE,
16 AND HE SAID YES.

17 Q. AFTER THAT, DID YOU LEAVE THE VICINITY OF THE GUADALAJARA
18 AIRPORT?

19 A. YES.

20 Q. WHERE DO YOU GO?

21 A. TO LA QUINTA.

22 Q. WHAT HAPPENS WHEN YOU ARRIVE AT LA QUINTA?

23 A. THERE WERE SOME PEOPLE THERE.

24 Q. WHO, MR. CERVANTES?

25 A. MIGUEL ALDANA IBARRA WAS THERE, MANUEL IBARRA, ATTORNEY

1 JAVIER BARBA HERNANDEZ, AND ELISEO VASQUEZ VELASCO.

2 JUST THEY WERE THERE.

3 Q. MR. CERVANTES, CAN I ASK YOU TO LOOK AT GOVERNMENT EXHIBIT
4 53, WHICH SHOULD BE IN FRONT OF YOU, SIR.

5 CAN YOU TELL ME -- DO YOU HAVE IT IN FRONT OF YOU?

6 A. YES.

7 Q. CAN YOU IDENTIFY IT?

8 A. YES.

9 Q. WHAT IS IT?

10 A. IT'S MANUEL IBARRA HERRERA.

11 MR. MEDRANO: WE MOVE ITS ADMISSION, YOUR HONOR.

12 THE COURT: THAT MAY BE ADMITTED.

13 (EXHIBIT # 53 RECEIVED IN EVIDENCE.)

14 BY MR. MEDRANO:

15 Q. CAN YOU PUT THAT DOWN AND NOW GO TO EXHIBIT 54, WHICH
16 SHOULD BE IN FRONT OF YOU.

17 HAVE YOU FOUND THAT?

18 A. YES.

19 Q. CAN YOU IDENTIFY EXHIBIT 54?

20 A. YES.

21 Q. WHAT IS IT?

22 A. MANUEL -- MIGUEL ALDANA.

23 Q. MIGUEL ALDANA?

24 A. IBARRA, YES.

25 Q. YOU CAN PUT THAT DOWN, SIR.

1 WHAT HAPPENS AFTER YOU ARRIVE AT LA QUINTA WITH MATTA
2 BALLESTEROS, MR. CERVANTES?

3 A. WE WENT INTO THE LIVING ROOM.

4 Q. WHO GOES TO THE LIVING ROOM?

5 A. MIGUEL ALDANA, MANUEL IBARRA, MATTA AND HIS ASSISTANT WHO
6 WAS ALONG WITH HIM, AND I.

7 Q. AND WHERE IS JAVIER BARBA HERNANDEZ?

8 A. HE WAS ALREADY THERE.

9 Q. IN THE LIVING ROOM?

10 A. YES.

11 Q. NOW, IS THERE A MEETING HELD IN LIVING ROOM?

12 A. YES.

13 Q. AND ARE YOU PRESENT DURING THE MEETING?

14 A. YES.

15 Q. CAN YOU TELL US WHAT HAPPENS AT THIS MEETING?

16 A. MIGUEL ALDANA SHOWS A FOLDER THAT SAYS "POLICE FILES" AND
17 HE SHOWS IT TO MATTA.

18 Q. DOES MATTA LOOK AT THE FILE?

19 A. YES.

20 Q. DOES ALDANA SAY ANYTHING TO MATTA WHILE HE'S GIVING HIM
21 THE FILE?

22 A. YES.

23 Q. WHAT?

24 A. HE SAYS THAT HE WILL SOON HAVE THE IDENTIFICATION OF THE
25 PERSON WHO'S CAUSING THE TROUBLE WHO'S A D.E.A. AGENT.

1 Q. DOES MATTA SAY ANYTHING IN RESPONSE?

2 A. YES.

3 Q. WHAT?

4 A. HE ONLY SAID THAT "SILENCE IS GOLDEN".

5 Q. DOES EITHER ALDANA OR MATTA DISCUSS SOMETHING CALLED
6 ZACATECAS?

7 A. YES.

8 Q. WHO SAID WHAT?

9 A. WELL, MAJOR ALDANA SAID -- WELL, THEY WERE TALKING ABOUT
10 ZACATECAS. I WAS OVER TO ONE SIDE. I ONLY HEARD THAT THEY
11 WERE TALKING ABOUT ZACATECAS.

12 Q. AT THIS MEETING, MR. CERVANTES, IS THERE ANY DISCUSSION OF
13 A MAN BY THE NAME OF MANUEL BARTA DIAZ?

14 A. YES.

15 Q. WHO SAYS WHAT ABOUT BARTA DIAZ?

16 A. MANUEL IBARRA.

17 Q. WHAT DOES HE SAY?

18 A. THAT THIS IS CAUSING TROUBLE FOR MR. BARTA DIAZ, THAT
19 THE -- A STOP SHOULD BE PUT TO THE TROUBLE ALREADY.

20 Q. MR. CERVANTES, AT THIS MEETING, ARE THERE ANY INSTRUCTIONS
21 OR ORDERS GIVEN TO ANYBODY?

22 A. YES.

23 Q. CAN YOU TELL US WHO SAID WHAT?

24 A. MAJOR ALDANA TOLD ATTORNEY JAVIER BARBA THAT --

25 THE INTERPRETER: EXCUSE ME. MAY I HAVE HIM HIM

1 REPEAT IT?

2 THE COURT: YES. REPEAT YOUR ANSWER.

3 THE WITNESS: MAJOR ALDANA TOLD THE ATTORNEY -- COULD
4 YOU REPEAT THE QUESTION?

5 BY MR. MEDRANO:

6 Q. WHAT DID ALDANA SAY TO BARBA HERNANDEZ?

7 A. THAT WHETHER AN IDENTIFICATION WAS NEEDED OF THE D.E.A.
8 AGENT TO KNOW WHO THE PERSON WAS WHO WAS CAUSING THIS TROUBLE.

9 MATTA SAID THAT ALSO DOWN SOUTH THERE HAD BEEN A LOT
10 OF TROUBLE BECAUSE OF THIS PERSON.

11 MR. MEDRANO: MAY I HAVE ONE TROUBLE (SIC), YOUR
12 HONOR?

13 MAY I HAVE ONE MOMENT, YOUR HONOR? EXCUSE ME.

14 IS IT LUNCHTIME YET, YOUR HONOR?

15 (BRIEF PAUSE.)

16 BY MR. MEDRANO:

17 Q. MR. CERVANTES, AFTER THIS MEETING THAT YOU HAVE JUST
18 DESCRIBED, IS THERE A WEDDING THAT IS HELD AT LA QUINTA?

19 A. YES.

20 Q. DO MANY PEOPLE ATTEND WEDDING?

21 A. YES.

22 Q. WOULD YOU AGAIN MEET PEOPLE WHEN THEY CAME IN AT THE FRONT
23 ENTRANCE?

24 A. YES.

25 Q. AT THE WEDDING, DID YOU SEE ANY OF THE VASQUEZ BROTHERS?

1 A. YES.

2 Q. COULD YOU TELL ME WHO, SIR?

3 MR. NICOLAYSEN: I'LL OBJECT AS TO TIME. THIS IS
4 VAGUE AS TO TIME, YOUR HONOR.

5 THE COURT: OVERRULED.

6 BY MR. MEDRANO:

7 Q. CAN YOU GIVE ME THE NAMES OF THE BROTHERS?

8 A. ELISEO VASQUEZ VELASCO, RICARDO, ANTONIO, JAVIER.

9 Q. THAT'S JAVIER VASQUEZ?

10 A. YES. THE SAME LAST NAMES. HE'S A BROTHER.

11 Q. ANYBODY ELSE?

12 A. FROM THAT FAMILY, THOSE WERE THE ONLY ONES I SAW.

13 Q. DO YOU RECALL IF ANTONIO'S SON, ANTONIO VASQUEZ OCHOA, WAS
14 AT THIS WEDDING?

15 A. NO, NO.

16 Q. ON THIS SAME DAY, MR. CERVANTES, IS THERE A SECOND MEETING
17 THAT IS HELD AT LA QUINTA?

18 A. YES.

19 Q. IN A PARTICULAR ROOM?

20 A. IN THE LIVING ROOM.

21 Q. COULD YOU TELL ME WHO WAS IN ATTENDANCE FOR THIS MEETING?

22 A. DON RUBEN ZUNO ARCE, JAVIER GARCIA PANIAGUA, HIS BROTHER,
23 MARCELINO, MIGUEL ALDANA, MANUEL IBARRA, MATTA, A PERSON THAT I
24 KNEW AS COCHILOCO, ARMANDO PAVON REYES, RAFAEL CARO QUINTERO,
25 ERNESTO FONSECA CARRILLO.

1 THESE ARE THE ONLY ONES I RECALL.

2 Q. ARE YOU PRESENT, AS WELL?

3 A. YES.

4 Q. YOUR BOSS, BARBA?

5 A. YES.

6 Q. CAN YOU TELL ME WHO SAYS WHAT AT THIS MEETING?

7 A. WELL, I REMEMBER THAT THE SUBJECT MATTER WAS THE SAME.

8 Q. WHAT MATTER WAS THAT?

9 A. THE D.E.A. AGENT WHO WAS CONTINUING TO CAUSE TROUBLE.

10 MR. MEDVENE: EXCUSE ME. OBJECTION, MOVE TO STRIKE
11 UNLESS THE WITNESS IS SAYING THAT IS WHAT WAS SAID, YOUR HONOR.
12 THE QUESTION WAS WHAT WAS SAID.

13 MR. MEDRANO: I BELIEVE THE ANSWER -- I'M SORRY, YOUR
14 HONOR. GO AHEAD.

15 THE COURT: THE WITNESS SHOULD DESCRIBE THE
16 CONVERSATION, IF HE CAN.

17 MR. MEDRANO: I WILL, YOUR HONOR.

18 BY MR. MEDRANO:

19 Q. COULD YOU TELL ME, MR. CERVANTES, WHICH INDIVIDUAL WAS
20 DISCUSSING THIS THEME? WHO SAID WHAT?

21 A. RAFAEL CARO QUINTERO, RAFA, WAS ONE OF THE PEOPLE WHO
22 TALKED A LOT. DON RUBEN, JAVIER GARCIA PANIAGUA -- THOSE ARE
23 THE ONES WHO DID MOST OF THE TALKING.

24 MR. MEDVENE: OBJECTION; MOVE TO STRIKE,
25 NONRESPONSIVE. THE QUESTION WAS WHAT WAS SAID.

1 THE COURT: I THINK YOU CAN NOW ASK HIM WHAT WAS SAID
2 BY THESE PEOPLE.

3 MR. MEDRANO: THANK YOU, YOUR HONOR.

4 BY MR. MEDRANO:

5 Q. COULD YOU TELL ME WHAT ZUNO SAID AT THE MEETING?

6 A. YES. DON RUBEN SAID THAT HE SHOULD BE PICKED UP ONCE THEY
7 KNEW WHO HE WAS. THEY DID NOT KNOW YET WHO HE WAS.

8 A. WHAT DID CARO QUINTERO SAY AT THE MEETING?

9 A. THAT HE WANTED TO SEE THAT PERSON FACE-TO-FACE.

10 Q. WHAT DID PANIAGUA SAY AT THE MEETING?

11 A. THAT THEY WANTED TO IDENTIFY THAT PERSON TO SEE IF HE
12 WOULD COOPERATE WITH THEM, OR ELSE -- I DON'T KNOW WHAT WAS
13 GOING TO HAPPEN.

14 Q. MR. CERVANTES, AT THE CONCLUSION OF THE WEDDING, DID
15 ANYONE DEPART FOR THE GUADALAJARA AIRPORT?

16 A. YES.

17 Q. WHO?

18 A. MIGUEL ALDANA, MANUEL IBARRA.

19 Q. DID YOU SEE THEM LEAVE WITH ANYBODY?

20 A. YES.

21 Q. WHO?

22 A. WITH JAVIER VASQUEZ VELASCO AND EL CORITA.

23 Q. AND DO YOU ACTUALLY SEE WHEN THEY LEAVE?

24 A. I OPENED THE DOOR FOR THEM, FOR THEM TO GO OUT.

25 Q. MR. CERVANTES, I'D LIKE TO DIRECT YOUR ATTENTION NOW TO

1 ABOUT JANUARY OF 1985, SIR.

2 HAVE YOU EVER HEARD OF A RESTAURANT THAT'S CALLED LA
3 LANGOSTA?

4 A. YES.

5 Q. NOW, DIRECTING YOUR ATTENTION TO ABOUT THE MONTH OF
6 JANUARY 1985, WAS BARBA AT HIS HOUSE, LA QUINTA?

7 A. YES.

8 Q. WAS ANYBODY ELSE PRESENT WITH HIM?

9 A. YES. HIS BODYGUARDS.

10 Q. WHO WAS WITH HIM?

11 A. EL ITALIANO, EL CORITA, THE VASQUEZ VELASCO BROTHERS, THE
12 ENGINEER, AVELARDO FERNANDEZ.

13 Q. CAN YOU NAME FOR ME THE VASQUEZ BROTHERS THAT WERE AT THE
14 HOUSE WITH BARBA?

15 A. JAVIER VASQUEZ VELASCO, ELISEO OF THE SAME LAST NAME. EL
16 RICA AND ANTONIO, THE ELDER.

17 Q. WAS HIS SON ANTONIO VASQUEZ OCHOA THERE?

18 A. YES.

19 Q. AT ANY POINT -- STRIKE THAT.

20 YOU'RE AT THE HOUSE, AS WELL?

21 A. YES.

22 Q. AT ANY POINT DO YOU RECEIVE A TELEPHONE CALL AT THE HOUSE,
23 MR. CERVANTES?

24 A. YES.

25 Q. ARE YOU THE ONE THAT ANSWERS THE PHONE?

1 A. YES.

2 Q. ARE YOU ABLE TO IDENTIFY THE VOICE OF THE SPEAKER ON THE
3 OTHER LINE?

4 A. YES.

5 Q. WHO WAS IT?

6 A. RAFAEL CARO QUINTERO.

7 Q. WHAT DOES HE SAY?

8 MR. STOLAR: OBJECTION, HEARSAY.

9 THE COURT: OVERRULED.

10 BY MR. MEDRANO:

11 Q. WHAT DOES CARO SAY TO YOU ON THE PHONE?

12 A. WHETHER THE ATTORNEY IS IN. I SAID HE IS TAKING A SHOWER.
13 A MESSAGE OR DO YOU WANT ME TO GET HIM?

14 HE SAID THAT I SHOULD JUST TELL HIM THAT HE WAS
15 WAITING FOR HIM AT LA LANGOSTA.

16 Q. DID HE HANG UP THEN?

17 A. YES.

18 Q. DID YOU PASS THIS MESSAGE ON TO YOUR BOSS, JAVIER BARBA?

19 A. YES.

20 Q. AT ANY POINT DOES JAVIER BARBA LEAVE YOUR HOUSE -- LEAVE
21 HIS HOUSE? I'M SORRY.

22 A. YES.

23 Q. DOES HE TELL YOU WHERE HE'S GOING?

24 A. YES.

25 Q. WHAT DOES HE TELL YOU?

1 A. THAT HE IS GOING TO LA LANGOSTA, JUST IN CASE HIS WIFE
2 CALLS OR HIS CHILD OR SOMEBODY.

3 Q. WHAT WAS BARBA'S WIFE'S NAME, IF YOU KNOW?

4 A. YES, I DO KNOW HER NAME.

5 Q. WHAT IS IT?

6 A. LILLY.

7 Q. DO YOU SEE JAVIER BARBA HERNANDEZ LEAVE LA QUINTA?

8 A. YES, I OPENED THE DOOR FOR HIM.

9 Q. WHO LEAVES WITH BARBA?

10 A. JAVIER VASQUEZ VELASCO, ANTONIO VASQUEZ OCHOA AND ELISEO
11 VASQUEZ VELASCO.

12 Q. DO YOU STAY BEHIND AT THE HOUSE?

13 A. YES.

14 Q. ON PREVIOUS OCCASIONS, HAD JAVIER BARBA HERNANDEZ GONE TO
15 LA LANGOSTA RESTAURANT?

16 A. YES. HE WOULD SIGN THERE; HE NEVER PAID.

17 Q. WHEN HE ATE?

18 A. YES.

19 Q. ON THE SAME DAY IN JANUARY, MR. CERVANTES, DOES JAVIER
20 BARBA HERNANDEZ EVER RETURN TO LA QUINTA?

21 A. YES.

22 Q. IS HE ALONE?

23 A. NO.

24 Q. DO YOU RECALL APPROXIMATELY WHAT TIME HE CAME TO THE
25 HOUSE?

1 A. AT NIGHT. IT WAS QUITE LATE. I DON'T REMEMBER.

2 Q. WHO WAS WITH BARBA WHEN HE COMES BACK?

3 A. ANTONIO VASQUEZ OCHOA, JUNIOR.

4 Q. DO YOU KNOW WHAT KIND OF CAR -- STRIKE THAT.

5 THEY RETURNED IN AN AUTOMOBILE?

6 A. YES.

7 Q. WHAT KIND OF CAR WAS IT?

8 A. IT WAS A GRAY MARQUIS.

9 Q. MR. CERVANTES, CAN YOU DESCRIBE FOR US THE APPEARANCE OF
10 JAVIER BARBA HERNANDEZ WHEN HE ARRIVED AT HIS HOUSE?

11 A. WELL, THEY ARRIVED AND THE ATTORNEY JAVIER HAD SPOTS ON
12 HIS CLOTHING AND ON HIS BOOTS.

13 Q. SPOTS OF WHAT?

14 A. BLOOD.

15 Q. ARE YOU SAYING-- STRIKE THAT.

16 BARBA HAD BLOOD ON HIM?

17 A. YES.

18 Q. NOW, I WANT YOU TO BE SPECIFIC. WHERE DID HE HAVE BLOOD
19 ON HIM?

20 A. WELL, IT WAS ON THE GUN, ON THE HANDLE OF THE GUN, IT WAS
21 ON THE BOOTS, PANTS, JACKET, AND HIS HANDS STILL HAD BLOOD ON
22 THEM.

23 Q. WHAT KIND OF GUN DID BARBA HAVE THAT YOU SAW BLOOD ON IT?

24 A. IT WAS A 9 MILLIMETER BROWNING.

25 Q. NOW, MR. CERVANTES, I WANT TO TALK ABOUT JUNIOR, ANTONIO

1 HOUSE THE EVENING BEFORE ALL THE PEOPLE THERE WENT TO LA
2 LANGOSTA RESTAURANT THAT YOU TESTIFIED TO ABOUT AN HOUR AGO;
3 ISN'T THAT TRUE, SIR?

4 A YES.

5 Q IT'S TRUE HE WAS NOT THERE; ISN'T THAT CORRECT, SIR?

6 A HE WASN'T THERE.

7 Q AND HE DID NOT, THEREFORE, GO TO LA LANGOSTA RESTAURANT ON
8 THE EVENING WHEN YOU UNDERSTAND THAT CERTAIN AMERICANS WERE
9 KILLED THERE; ISN'T THAT CORRECT, SIR?

10 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED, YOUR
11 HONOR.

12 THE COURT: YOU MAY ANSWER.

13 THE WITNESS: COULD YOU REPEAT THE QUESTION, PLEASE?

14 BY MR. MEDVENE:

15 Q MR. ZUNO, THEREFORE, ON THE EVENING WHEN THE AMERICANS WERE
16 KILLED, DID NOT GO FROM MR. JAVIER BARBA HERNANDEZ'S HOUSE TO
17 THE RESTAURANT; ISN'T THAT CORRECT?

18 MR. MEDRANO: OBJECTION. CALLS FOR SPECULATION AND
19 LACK OF PERSONAL FOUNDATION.

20 THE COURT: WELL, ANSWER THE QUESTION.

21 THE WITNESS: THAT IS CORRECT. HE DID NOT GO.

22 BY MR. MEDVENE:

23 Q NOW, DESPITE THE FACT HE WAS NOT THERE, MR. CERVANTES,
24 ISN'T IT TRUE, SIR, THAT ON A PREVIOUS OCCASION, BEFORE THE
25 GRAND JURY, YOU TESTIFIED UNDER OATH THAT MR. ZUNO WAS AT

1 JAVIER BARBA HERNANDEZ'S HOUSE ON THE EVENING THAT THE PEOPLE
2 THERE WENT TO LA LANGOSTA?

3 A I DON'T RECALL HAVING SAID THAT. I DON'T RECALL.

4 Q DID YOU TESTIFY BEFORE THE GRAND JURY IN LOS ANGELES, SIR,
5 ON JANUARY 24TH OF 1990?

6 A YES.

7 Q AND DID YOU TESTIFY UNDER OATH ON THAT OCCASION, AS YOU'RE
8 TESTIFYING UNDER OATH TODAY, SIR?

9 A YES.

10 Q AND WERE YOU ASKED, SIR --

11 MR. MEDRANO: COULD WE HAVE A PAGE NUMBER, YOUR HONOR?

12 THE COURT: YES. GIVE THE PAGE AND LINE NUMBER.

13 MR. MEDVENE: YES, SIR. PAGE 3, LINE 16, THROUGH PAGE
14 4, LINE 5, INITIALLY, YOUR HONOR.

15 MR. MEDRANO: YOUR HONOR, THAT'S ONE AND A HALF PAGES
16 OF TEXT TO READ ALOUD. WE'D OBJECT AND ASK FOR MORE POINTED
17 QUESTIONS.

18 THE COURT: WELL, IF IT RELATES TO THE WITNESS'S
19 ANSWER HERE, HE MAY READ IT.

20 MR. MEDVENE: LINE 16:

21 "MR. MEDRANO: I'D LIKE TO DIRECT YOUR ATTENTION, SIR,
22 TO AN EVENING BEFORE THE ABDUCTION OF D.E.A. AGENT CAMARENA.
23 ON THIS PARTICULAR DAY, SIR, WERE THERE SEVERAL PEOPLE PRESENT
24 AT THE HOUSE OF JAVIER BARBA HERNANDEZ?

25 "THE WITNESS: YES.

1 "MR. MEDRANO: PLEASE TELL THE GRAND JURY WHO WAS
2 THERE, IF YOU RECALL.

3 "THE WITNESS: RAFA, DON NETO, JAVIER.

4 "MR. MEDRANO: WHEN YOU SAY 'JAVIER,' IS THAT JAVIER
5 BARBA HERNANDEZ?

6 "THE WITNESS: YES. ATTORNEY JAVIER BARBA HERNANDEZ.

7 "MR. MEDRANO: WHO ELSE, MR. CERVANTES?

8 "THE WITNESS: DON RUBEN ZUNO ARCE."

9 Q WERE YOU ASKED THOSE QUESTIONS AND TO DID YOU GIVE THOSE
10 ANSWERS, SIR?

11 A YES.

12 Q THAT WAS UNTRUE; ISN'T THAT CORRECT, SIR?

13 A COULD YOU REPEAT THE QUESTION, PLEASE? I DIDN'T UNDERSTAND
14 IT.

15 Q WHEN YOU SAY MR. ZUNO WAS THERE ON THAT OCCASION, THAT WAS
16 UNTRUE; ISN'T THAT CORRECT, SIR?

17 A ARE WE TALKING ABOUT THE D.E.A. AGENT?

18 Q WE'RE TALKING ABOUT THE MEETING, SIR, AT JAVIER BARBA
19 HERNDNEZ'S HOUSE, THE EVENING WHEN HE GOES TO THE LA LANGOSTA
20 RESTAURANT AND THEN THE PEOPLE AT THE HOUSE GO TO THE LA
21 LANGOSTA RESTAURANT.

22 NOW, WHEN YOU SAY MR. ZUNO ARCE WAS THERE, AS YOU DID
23 UNDER OATH, THAT WAS NOT TRUE; ISN'T THAT CORRECT, SIR?

24 A I DON'T UNDERSTAND THE QUESTION WELL.

25 Q ISN'T IT UNTRUE, SIR?

1 THE COURT: COUNSEL, YOU HAVE READ THE WITNESS'S
2 TESTIMONY --

3 MR. MEDVENE: YES, SIR.

4 THE COURT: -- AND I THINK THAT SHOULD BE THE END OF
5 IT.

6 MR. MEDVENE: YES, SIR.

7 Q NOW, DID YOU SAY, SIR, ON THAT OCCASION, BEFORE THE GRAND
8 JURY, THAT THE WHOLE GROUP OF PEOPLE, INCLUDING ZUNO ARCE, WENT
9 TO THE RESTAURANT, WENT TO THE LA LANGOSTA RESTAURANT?

10 A ON THAT OCCASION, I ONLY SAID THAT THAT PERSON, MR. ZUNO
11 ARCE, WAS AT THE MEETING AT LA LANGOSTA.

12 Q AND THAT WAS NOT TRUE; ISN'T THAT CORRECT, SIR?

13 A I ONLY FOUND THAT OUT. I NEVER SAW HIM THERE. I WAS TOLD.
14 ATTORNEY JAVIER BARBA SAID THAT HE WAS THERE.

15 MR. MEDVENE: MOVE TO STRIKE, YOUR HONOR. NOT
16 RESPONSIVE.

17 MR. MEDRANO: YOUR HONOR, OBJECTION TO THAT.

18 THE COURT: DENIED

19 MR. MEDVENE: YOU DID NOT TELL THE TRUTH WHEN YOU SAID
20 ZUNO ARCE WAS AT JAVIER BARBA HERNANDEZ'S HOUSE THAT EVENING
21 WHEN MR. BARBA, AFTER A MEETING, WENT TO THE LA LANGOSTA
22 RESTAURANT; ISN'T THAT CORRECT?

23 MR. MEDRANO: OBJECTION. COMPOUND.

24 THE COURT: COUNSEL, I THOUGHT WE'D ALREADY AGREED
25 THAT. YOU'VE ALREADY READ HIS TESTIMONY. THE JURY HAS HEARD

1 HIS IN-COURT TESTIMONY.

2 MR. MEDVENE: OKAY.

3 Q YOU WERE ASKED AT THE GRAND JURY, WERE YOU NOT, SIR,
4 WHETHER ON THIS EVENING IN QUESTION, A WHOLE GROUP OF PEOPLE,
5 INCLUDING MR. ZUNO ARCE, WENT TO THE LA LANGOSTA RESTAURANT?
6 AND YOU SAID THAT HE DID; ISN'T THAT CORRECT, SIR?

7 A YES, HE DID GO. BUT HE DID NOT LEAVE THAT HOUSE. HE
8 DIDN'T GO FROM THERE.

9 Q MR. ZUNO ARCE WAS NOT AT THAT HOUSE ON THAT OCCASION; ISN'T
10 THAT CORRECT, SIR?

11 A NO, HE WASN'T THERE. HE DID NOT LEAVE FROM THAT HOUSE.

12 Q NOW, ISN'T IT TRUE, SIR, THAT AFTER YOU TESTIFIED UNDER
13 OATH THAT MR. ZUNO ARCE WAS AT THE HOUSE AND LEFT WITH THE
14 OTHERS FOR LA LANGOSTA, YOU HAD AN OPPORTUNITY AT THE RECESS TO
15 SPEAK WITH THE PROSECUTOR, MR. MEDRANO?

16 A WOULD YOU REPEAT THE QUESTION, PLEASE?

17 MR. MEDVENE: MAY THE REPORTER READ IT, YOUR HONOR, OR
18 DO YOU WANT ME TO?

19 THE COURT: NO. YOU REPEAT IT.

20 MR. MEDVENE: YES, SIR.

21 THE COURT: IT MIGHT BE HELPFUL, SINCE WE'RE DEALING
22 THROUGH AN INTERPRETER, THAT YOU SHORTEN YOUR QUESTIONS AND NOT
23 JOIN THEM TOGETHER WITH TOO MANY PHRASES, BECAUSE I THINK
24 THAT'S JUST CONFUSING.

25 MR. MEDVENE: YES, SIR.

1 Q IS IT TRUE, SIR, THAT AFTER YOU HAD SAID UNDER OATH THAT
2 MR. ZUNO WAS AT THE HOUSE THAT EVENING, THAT THERE WAS A BREAK
3 IN THE TESTIMONY AND YOU HAD A CHANCE TO TALK TO THE
4 PROSECUTOR?

5 A WELL, WE WERE TALKING ABOUT THE AGENT, ABOUT CAMARENA, AND
6 THEN I WAS ASKED A QUESTION ABOUT LA LANGOSTA. I WAS CONFUSED.

7 I DO REMEMBER WHAT YOU'RE TELLING ME.

8 Q AND THE PROSECUTOR, AT THE RECESS, SAID, "COME BACK, AND
9 I'LL ASK YOU AGAIN, AND SAY MR. ZUNO WASN'T THERE"; ISN'T THAT
10 CORRECT?

11 A YES.

12 Q AND YOU CAME BACK UNDER OATH AND YOU DID WHAT YOU WERE TOLD
13 TO DO, YOU CHANGED YOUR TESTIMONY; IS THAT CORRECT?

14 A NO, THAT IS NOT CORRECT.

15 Q DID YOU CHANGE YOUR TESTIMONY AFTER THE RECESS, SIR?

16 A WELL, I WAS ASKED A QUESTION INCORRECTLY, AND I ANSWERED IT
17 THE WAY IT HAD BEEN ASKED.

18 Q SIR, MY QUESTION WAS: DID YOU CHANGE YOUR TESTIMONY AFTER
19 THE RECESS?

20 A (NO AUDIBLE RESPONSE.)

21 Q YES OR NO, SIR. AND YOU MAY EXPLAIN IF YOU WANT.

22 A IT WAS BECAUSE HE CONFUSED ME WITH THE QUESTION AND NOT
23 BECAUSE I ANSWERED INCORRECTLY.

24 Q I ASK YOU AGAIN, SIR: DID YOU CHANGE YOUR TESTIMONY AFTER
25 THE RECESS?

1 A I CHANGED IT BECAUSE THE QUESTION THAT THEY ASKED ME DID
2 NOT COINCIDE WITH WHAT I WAS BEING ASKED, AND I WAS CONFUSED.

3 Q NOW, SIR, YOU FIRST MET D.E.A. AGENTS IN CONNECTION WITH
4 YOUR TESTIMONY -- STRIKE THAT.

5 YOU FIRST MET D.E.A. AGENTS IN CONNECTION WITH GIVING
6 ANY INFORMATION ABOUT WHAT KNOWLEDGE YOU HAVE ON THE CAMARENA
7 AFFAIR IN NOVEMBER OF 1984; IS THAT CORRECT?

8 EXCUSE ME. I MISSPOKE.

9 IN NOVEMBER OF 1989, IS THAT THE FIRST TIME THAT YOU
10 MET D.E.A. AGENTS AND SPOKE TO THEM ABOUT YOUR KNOWLEDGE OF THE
11 CAMARENA KIDNAPPING?

12 A YES.

13 Q AND YOU WERE ASKED -- STRIKE THAT.

14 THE AGENTS YOU MET WITH WERE MR. SALAZAR AND MR.
15 BERRELLEZ; IS THAT CORRECT?

16 A YES.

17 Q AND THEY TOLD YOU THEY WANTED TO KNOW EVERYTHING YOU KNEW
18 ABOUT THE KIDNAPPING OF ENRIQUE CAMARENA; IS THAT CORRECT?

19 A YES.

20 Q AND THEY ENCOURAGED YOU ON THAT OCCASION, WITH A SERIES OF
21 QUESTIONS, TO GIVE ALL THE INFORMATION THAT YOU HAD ABOUT THE
22 CAMARENA KIDNAPPING; IS THAT CORRECT?

23 A WELL, I, ON MY OWN, GAVE THEM THE INFORMATION THAT I KNEW
24 OF. THEY DIDN'T DEMAND ANYTHING OF ME.

25 Q SO YOU GAVE THEM THE INFORMATION YOU KNEW OF WHEN YOU MET

1 WITH THE AGENTS; ISN'T THAT CORRECT, SIR?

2 A I ONLY EXPLAINED THE WHOLE CASE TO AGENT BERRELLEZ THE
3 FIRST TIME.

4 Q ALL RIGHT. BUT YOU DID EXPLAIN WHAT YOU KNEW THE FIRST
5 TIME, TO AGENT BERRELLEZ, THAT RELATED TO THE KIDNAPPING OF
6 AGENT ENRIQUE CAMARENA; ISN'T THAT CORRECT, SIR?

7 A YES.

8 Q NOW, YOU SAID YESTERDAY SOMETHING ABOUT A BAPTISM MEETING
9 AND DISCUSSIONS OF PLANS TO KIDNAP AGENT CAMARENA. (PAUSE.)

10 YOU DID NOT TELL THAT TO THE D.E.A. AGENTS, DID YOU?

11 THE COURT: JUST A MOMENT, COUNSEL. HAVE YOU FINISHED
12 YOUR QUESTION? IS THIS PART OF THE SAME QUESTION?

13 MR. MEDVENE: YES. I WAS TRYING TO MAKE IT EASIER FOR
14 THE INTERPRETER.

15 THE COURT: CAN WE SHORTEN THESE QUESTIONS?

16 MR. MEDVENE: YES, SIR.

17 THE COURT: JUST ASK HIM WHETHER HE TOLD THE AGENTS
18 ABOUT THAT MEETING.

19 MR. MEDVENE: YES, SIR.

20 Q YOU DIDN'T TELL THE AGENTS ANYTHING ABOUT THIS SO-CALLED
21 BAPTISM MEETING WHERE YOU CLAIM THERE WAS SOME DISCUSSION ABOUT
22 THE KIDNAPPING OF AGENT CAMARENA; ISN'T THAT TRUE?

23 A NO, I HADN'T -- I DIDN'T TELL THEM THAT, BECAUSE I WAS
24 AFRAID OF OTHER PEOPLE WHO HAD BEEN INVOLVED WITH ATTORNEY
25 JAVIER BARBA HERNANDEZ.

1 MR. MEDVENE: MOVE TO STRIKE THE LAST PART, YOUR
2 HONOR, AS NONRESPONSIVE. I ASKED HIM WHETHER WE'D TOLD.

3 THE COURT: YES. THE ANSWER MAY BE STRICKEN AFTER, "I
4 DIDN'T TELL HIM THAT."

5 BY MR. MEDVENE:

6 Q NOW, YOU DID TELL HIM ON THAT OCCASION ABOUT A FEBRUARY
7 MEETING WHERE THE KIDNAPPING OF MR. CAMARENA WAS DISCUSSED, DID
8 YOU NOT, SIR?

9 A I DON'T UNDERSTAND YOUR QUESTION.

10 Q YOU DID TELL THE D.E.A. AGENTS ABOUT AN ALLEGED FEBRUARY
11 7TH MEETING OF 85, WHEN THE KIDNAPPING WAS PURPORTEDLY
12 DISCUSSED; IS THAT CORRECT?

13 MR. MEDRANO: MISSTATES THE DIRECT. THERE WAS NO DATE
14 IN FEBRUARY GIVEN, YOUR HONOR.

15 THE COURT: YES. RESTATE YOUR QUESTION.

16 BY MR. MEDVENE:

17 Q YOU DID TELL THE AGENTS ABOUT A FEBRUARY 1985 MEETING,
18 WHERE YOU CLAIM THE KIDNAPPING OF ENRIQUE CAMARENA WAS
19 DISCUSSED, DID YOU NOT?

20 MR. MEDRANO: YOUR HONOR, OBJECT AGAIN. CAMARENA IS
21 NEVER MENTIONED BY THE WITNESS ON DIRECT.

22 MR. MEDVENE: OBJECTION. HE SUGGESTED IT TO THE
23 WITNESS, YOUR HONOR.

24 THE COURT: OVERRULED.

25 THE WITNESS: WHETHER I HAD SAID SOMETHING TO HIM

1 ABOUT THE AGENT IN FEBRUARY?

2 BY MR. MEDVENE:

3 Q DID YOU TELL THE D.E.A. AGENT IN NOVEMBER OF 89, WHEN YOU
4 MET THEM, ABOUT A FEBRUARY MEETING OF 85 WHERE YOU CLAIM THE
5 KIDNAPPING WAS DISCUSSED?

6 A YES.

7 Q BUT YOU DID NOT TELL THE AGENTS THAT ALLEGEDLY AT A BAPTISM
8 MEETING IN SEPTEMBER 84, THE KIDNAPPING WAS DISCUSSED, DID YOU?

9 THE COURT: I THINK HE'S ALREADY ANSWERED THAT.

10 MR. MEDRANO: THAT'S ASKED AND ANSWERED. OBJECTION:
11 ASKED AND ANSWERED.

12 THE COURT: WE'LL TAKE OUR NOON RECESS AT THIS TIME
13 AND RECONVENE AT 1:30.

14 THE CLERK: PLEASE RISE.

15 (NOON RECESS.)

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1 LOS ANGELES + CALIFORNIA, THURSDAY, MAY 24, 1990

2 + 1:30 P.M

3 (JURY PRESENT:)

4 THE COURT: YOU MAY CONTINUE YOUR CROSS-EXAMINATION.

5 MR. MEDVENE: THANK YOU, YOUR HONOR.

6 CROSS-EXAMINATION + (RESUMED)

7 BY MR. MEDVENE:

8 Q MR. CERVANTES, YOU WORKED FOR CERTAIN MEXICAN LAW
9 ENFORCEMENT AGENCIES STARTING IN 1979; IS THAT CORRECT, SIR?

10 A YES.

11 Q AND FOR WHAT YEARS DID YOU WORK FOR MEXICAN LAW ENFORCEMENT
12 AGENCIES?

13 A FROM 1979 TO 1981.

14 Q AND AFTER 1981, YOU DID NOT WORK FOR ANY MEXICAN FEDERAL
15 LAW ENFORCEMENT AGENCIES; IS THAT CORRECT, SIR?

16 A NO.

17 Q WHEN YOU SAY "NO," DO YOU MEAN THAT'S CORRECT?

18 A YES.

19 Q ISN'T IT TRUE, SIR, THAT YOU TESTIFIED UNDER OATH BEFORE
20 THE GRAND JURY ON NOVEMBER 30TH THAT YOU WORKED FOR THE RIOT
21 SQUAD ON AND OFF BETWEEN 1979 AND 1989?

22 A I DON'T UNDERSTAND THE QUESTION.

23 Q ISN'T IT TRUE THAT YOU TESTIFIED UNDER OATH THAT YOU WORKED
24 FOR THE RIOT SQUAD BETWEEN 1979 AND 1989, ON AND OFF?

25 A YES.

1 Q WHICH STATEMENT WAS CORRECT: THE STATEMENT THAT YOU GAVE A
2 FEW MOMENTS AGO, THAT YOU STOPPED WORKING FOR MEXICAN LAW
3 ENFORCEMENT IN 1981, OR THE STATEMENT BEFORE THE GRAND JURY
4 THAT YOU WORKED FOR MEXICAN LAW ENFORCEMENT THROUGH 1989?

5 THE INTERPRETER: EXCUSE ME, YOUR HONOR. THE
6 INTERPRETER MUST HAVE MISHEARD "81" AND "89" IN THE PREVIOUS
7 QUESTION.

8 THE COURT: WELL, JUST A MOMENT. DO YOU WANT TO READ
9 THIS WITNESS'S TESTIMONY THAT HE GAVE?

10 MR. MEDVENE: YES, YOUR HONOR.

11 THE COURT: READ IT SO THAT IT CAN BE INTERPRETED.

12 MR. MEDVENE: YES, YOUR HONOR. THIS IS FROM --

13 MR. MEDRANO: CAN WE HAVE THE PAGE NUMBER?

14 MR. MEDVENE: -- THE NOVEMBER 30 GRAND JURY, PAGE 4,
15 LINES 9 THROUGH 11, QUESTION:

16 "MR. MEDRANO: BETWEEN 1979 AND TODAY, 1989, HAVE YOU
17 WORKED WITH THE RIOT SQUAD ON AND OFF DURING THAT PERIOD?

18 "A YES."

19 THE WITNESS: YES.

20 BY MR. MEDVENE:

21 Q YOU TESTIFIED A FEW MINUTES AGO, MR. CERVANTES, THAT YOU
22 STOPPED WORKING FOR MEXICAN LAW ENFORCEMENT IN 1981. WHICH IS
23 THE CORRECT STATEMENT: THAT, OR WHAT YOU TESTIFIED TO BEFORE
24 THE GRAND JURY?

25 A WELL, I SAID THAT; THAT IS CORRECT. BUT I ALSO SAID THAT

1 IN 1989, I DID WORK FOR THE RIOT POLICE.

2 Q NOW, WHAT WAS THE NATURE OF YOUR WORK FOR THE RIOT POLICE,
3 MR. CERVANTES?

4 A TO LOOK AFTER THE BARRACKS AND ALSO TO FULFILL ANY ORDERS
5 THAT -- ANY ORDERS THAT I WAS GIVEN, TO CARRY OUT ANY ORDERS
6 THAT I WAS GIVEN.

7 Q WHAT WAS THE NATURE OF THE ORDERS THAT YOU GENERALLY HAD TO
8 FOLLOW?

9 A TO STAND GUARD, TO LOOK AFTER PEOPLE WHO WERE DETAINED, AND
10 WHATEVER WOULD COME UP SPONTANEOUSLY, WHERE I WOULD RECEIVE
11 ORDERS TO CARRY OUT.

12 Q DURING YOUR PERIOD WORKING FOR THE POLICE, DID YOU ASSIST
13 DRUG TRAFFICKERS?

14 MR. MEDRANO: OBJECTION. AMBIGUOUS AS TO TIME PERIOD,
15 YOUR HONOR.

16 THE COURT: WELL, THE TIME PERIOD WAS DURING THE TIME
17 HE WORKED FOR THE POLICE.

18 MR. MEDVENE: YES, YOUR HONOR.

19 THE WITNESS: COULD YOU REPEAT IT, PLEASE?

20 BY MR. MEDVENE:

21 Q DURING THE TIME PERIOD YOU WORKED FOR THE POLICE, DID YOU
22 ON OCCASION ASSIST DRUG TRAFFICKERS?

23 A NO, BECAUSE I DID NOT HOLD A HIGH POSITION. I WAS JUST A
24 COMMON POLICEMAN, LIKE ANYBODY ELSE.

25 Q SO YOU DID NO WORK ASSISTING DRUG TRAFFICKERS; IS THAT YOUR

1 TESTIMONY, SIR?

2 A YES.

3 Q NOW, WHEN YOU WENT TO WORK FOR JAVIER BARBA HERNANDEZ, YOU
4 KNEW HE WAS A DRUG TRAFFICKER, DID YOU NOT, SIR?

5 A I ONLY KNEW THAT HE WAS A VERY POWERFUL PERSON AND THAT I
6 ADMIRED HIM.

7 I NEVER WAS A DRUG TRAFFICKER. I ONLY LOOKED AFTER
8 HIS HOUSE FOR HIM.

9 Q WELL, YOU KNEW CARO QUINTERO WAS A DRUG TRAFFICKER, DID YOU
10 NOT?

11 A YES, I DID KNOW.

12 Q YOU KNEW ERNESTO FONSECA WAS A DRUG TRAFFICKER, DID YOU
13 NOT?

14 A YES.

15 Q NOW, YOU KNEW JAVIER BARBA HERNANDEZ WORKED VERY CLOSELY
16 WITH ERNESTO FONSECA, TO YOUR KNOWLEDGE, DID YOU NOT?

17 A WELL, I KNEW THAT THEY HAD VERY HIGH-PLACED BACKERS FROM
18 THE GOVERNMENT, FOR THEM TO BE ABLE TO CARRY ON.

19 Q THE QUESTION, SIR, IS: YOU KNEW JAVIER BARBA HERNANDEZ,
20 YOUR EMPLOYER, WAS WORKING IN DRUG TRAFFICKING WITH ERNESTO
21 FONSECA; ISN'T THAT CORRECT?

22 A I DIDN'T KNOW THAT HE WAS WORKING FOR HIM. I JUST KNEW HE
23 WAS GIVING HIM SOME PROTECTION, BECAUSE OF THE POWER THAT THE
24 ATTORNEY HAD.

25 Q JAVIER BARBA HERNANDEZ WAS GIVING MR. FONSECA PROTECTION;

1 IS THAT YOUR TESTIMONY?

2 A YES. I KNEW THAT HE WAS GIVING HIM PROTECTION, WITH THE
3 PEOPLE THAT JAVIER WAS WORKING WITH.

4 Q AND WHAT WAS THE NATURE OF THE PROTECTION THAT JAVIER BARBA
5 HERNANDEZ WAS GIVING MR. FONSECA?

6 A WELL, SO THAT HE WOULD NOT HAVE ANY TROUBLE WITH THE
7 MEXICAN POLICE.

8 Q WOULD HE GET HIM CREDENTIALS ON OCCASION?

9 A FOR WHOM?

10 Q WELL, WOULD HE -- WOULD MR. HERNANDEZ GET CREDENTIALS FOR
11 MR. FONSECA AT VARIOUS POLICE DEPARTMENTS?

12 A NO, I NEVER SAW HIM GIVE ANY KIND OF CREDENTIAL TO HIM.

13 Q HOW DID YOU COME TO GET THE JOB WITH JAVIER BARBA HERNANDEZ
14 IN 1982?

15 A WELL, ATTORNEY JAVIER BARBA AND I WENT TO SCHOOL TOGETHER,
16 AND WE'VE KNOWN EACH OTHER SINCE WE WERE SMALL.

17 AND I NOTICED THE POWER THAT HE HAD. AND SINCE WE
18 WERE FRIENDS, I ASKED HIM FOR A JOB. AND HE KNEW I KNEW ABOUT
19 WEAPONS, AND HE OFFERED ME THIS JOB.

20 AND I ONLY LOOKED AFTER HIS HOUSE. I DIDN'T DO
21 ANYTHING ELSE FOR HIM.

22 Q WERE YOU HIS BODYGUARD?

23 A NO.

24 Q HE HAD SEPARATE BODYGUARDS?

25 A YES.

1 Q BUT WHEN YOU SAY YOU LOOKED AFTER HIS HOUSE, WHEN GUESTS
2 CAME, WOULD YOU SERVE THEM DRINKS?

3 A YES.

4 Q AND BRING FOOD?

5 A YES.

6 Q IT WAS NOT YOUR JOB TO PARTICIPATE IN MEETINGS; IS THAT
7 CORRECT?

8 A WHENEVER ATTORNEY JAVIER BARBA HERNANDEZ CAME TO THE HOUSE,
9 HE GAVE ME THE TASK TO BE WITH HIM. HIS BODYGUARDS WOULD STAY
10 IN THE CAR OR BE ABOUT, BUT I WAS TO BE WITH HIM.

11 Q SO YOU ACTED AT THAT TIME AS HIS BODYGUARD?

12 A JUST IN THE HOUSE.

13 Q WELL, THAT'S THE ONLY PLACE YOU WORKED -- IN THE HOUSE --
14 FOR HIM; ISN'T THAT TRUE?

15 A YES.

16 Q SO YOU WERE HIS BODYGUARD, IN THE HOUSE?

17 A YES.

18 Q AND YOU CARRIED A WEAPON?

19 A YES.

20 Q NOW, IS IT TRUE THAT WHEN BARBA HERNANDEZ WOULD HAVE
21 MEETINGS AT THE HOUSE, AS A PRACTICE YOU DID NOT OVERHEAR
22 SPECIFICS ABOUT THOSE MEETINGS, BECAUSE YOU WERE ATTENDING TO
23 YOUR OTHER CHORES?

24 A NO. NO, I WAS WITH HIM AT ALL TIMES WHEN HE WAS THERE.

25 Q DID YOU MEET WITH D.E.A. AGENTS SALAZAR AND BERRELLEZ ON

1 JANUARY 2ND OF THIS YEAR?

2 A YES. I DON'T REMEMBER THE DATE, BUT IT WAS AT THE
3 BEGINNING OF JANUARY.

4 Q DID YOU TELL THEM THAT YOU DID NOT OVERHEAR SPECIFICS ABOUT
5 THE KIDNAPPING OF ENRIQUE CAMARENA BECAUSE YOU WERE NOT PRESENT
6 THROUGHOUT THE ENTIRE MEETINGS?

7 A I WAS PRESENT IN ALL THE MEETINGS, AND I DID FIND OUT WHAT
8 THEY SAID.

9 Q MY QUESTION, SIR, IS: DID YOU TELL MR. SALAZAR AND MR.
10 BERRELLEZ ON JANUARY 2ND THAT YOU DID NOT OVERHEAR SPECIFICS
11 ABOUT THE KIDNAPPING BECAUSE YOU WERE NOT PRESENT THROUGHOUT
12 THE ENTIRE MEETINGS?

13 A I WAS PRESENT -- I WAS PRESENT DURING THE MEETINGS THAT
14 WERE CARRIED OUT THERE. I WAS PRESENT AT ALL THE MEETINGS, AND
15 I DID FIND OUT WHAT WAS BEING SAID, BECAUSE I WAS TO ONE SIDE
16 OF ATTORNEY BARBA HERNANDEZ OR BEHIND HIM.

17 MR. MEDVENE: IF THE COURT PLEASE, I MOVE TO STRIKE AS
18 NOT RESPONSIVE.

19 THE COURT: YES. STRIKE THE ANSWER.

20 THE WITNESS IS DIRECTED TO ANSWER THE QUESTION WHICH
21 RELATES TO WHAT HE TOLD THE AGENTS.

22 RESTATE THE QUESTION.

23 MR. MEDVENE: YES, SIR.

24 Q DID YOU TELL D.E.A. AGENTS SALAZAR AND BERRELLEZ, ON
25 JANUARY 2ND, THAT YOU DID NOT OVERHEAR SPECIFICS ABOUT THE

1 KIDNAPPING BECAUSE YOU WERE NOT PRESENT THROUGHOUT THE ENTIRE
2 MEETINGS?

3 A I ONLY TOLD THEM THE TRUTH, FROM THE BEGINNING. I TOLD
4 THEM THAT I HAD BEEN THERE.

5 MR. MEDVENE: MOVE TO STRIKE, YOUR HONOR, AND I'LL ASK
6 IT AGAIN.

7 THE COURT: NO. HE'S ANSWERED THE QUESTION.

8 BY MR. MEDVENE:

9 Q DID YOU TELL THE AGENTS ON JANUARY 2ND THAT YOU DID NOT
10 OVERHEAR SPECIFICS ABOUT THE KIDNAPPING?

11 MR. MEDRANO: ASKED AND ANSWERED, YOUR HONOR.

12 THE COURT: WELL, THAT'S -- HE MAY ANSWER THAT.

13 THE WITNESS: NO.

14 BY MR. MEDVENE:

15 Q WAS THE FIRST TIME YOU EVER SAW MR. ZUNO AT JAVIER BARBA
16 HERNDANDEZ'S HOUSE AFTER YOU STARTED WORKING FOR HIM?

17 A YES.

18 Q AND YOU SAID THAT YOU HAD KNOWN MR. HERNANDEZ FOR SOME 10
19 YEARS BEFORE YOU STARTED WORKING FOR HIM?

20 A YES.

21 Q AND YOU SAW HIM FREQUENTLY DURING THOSE 10 YEARS?

22 A YES. WE LIVED IN THE SAME NEIGHBORHOOD, IN THE SAME AREA.

23 Q AND YOU NEVER SAW HIM DURING THAT 10-YEAR PERIOD WITH RUBEN
24 ZUNO ARCE; ISN'T THAT CORRECT?

25 A NO, I NEVER DID SEE HIM WITH HIM BEFORE.

1 Q WHAT DID YOU DO WHEN YOU LEFT MR. HERNANDEZ'S EMPLOY?

2 A WELL, I GOT A JOB, A LESS STRESSFUL JOB.

3 Q WHAT WAS THE JOB?

4 A I HAD SEVERAL JOBS.

5 Q AND WHAT WERE THEY?

6 A I WORKED AS A SECURITY GUARD AT A HOTEL.

7 THE INTERPRETER: MAY I ASK HIM THE NAME OF THE HOTEL
8 AGAIN?

9 THE WITNESS: HOTEL ARANZAZU, IN GUADALARA, JALISCO.

10 BY MR. MEDVENE:

11 Q WHAT DID YOU EARN AT THAT JOB, IN AMERICAN MONEY?

12 A I CAN'T REMEMBER AT THE MOMENT.

13 Q APPROXIMATELY?

14 A 100,000 PESOS A MONTH.

15 Q APPROXIMATELY HOW MUCH IS THAT IN U.S. MONEY?

16 MR. MEDRANO: WHAT YEAR, YOUR HONOR?

17 THE COURT: YES. NOW OR THEN?

18 MR. MEDVENE: THEN.

19 THE WITNESS: COULD YOU REPEAT THE QUESTION? I NO
20 LONGER UNDERSTAND IT.

21 MR. MEDVENE: YES.

22 Q WHAT WAS THE EQUIVALENT U.S. SALARY TO WHAT YOU WERE MAKING
23 IN MEXICO?

24 A 40 TO \$45.00.

25 Q IN WHAT: 40 TO \$45.00 A DAY, A WEEK, A MONTH?

1 A I'M TELLING YOU THAT THEY'RE 100,000 PESOS A MONTH.

2 Q AND 100,000 PESOS A MONTH IS HOW MUCH IN U.S. CURRENCY,
3 SIR?

4 A I THINK 40 TO \$45.00. I DON'T KNOW WHAT THE DOLLAR IS AT
5 RIGHT NOW.

6 Q SO YOU WERE EARNING, IN AMERICAN MONEY, APPROXIMATELY
7 \$45.00 A MONTH; IS THAT CORRECT?

8 A YES.

9 Q NOW, YOU TESTIFIED ABOUT A NUMBER OF MEETINGS THAT HAD
10 HAPPENED FIVE OR SO YEARS AGO. AND I'D LIKE TO KNOW, SIR, DID
11 YOU MAKE ANY NOTES OF ANY KIND AT OR AROUND THE TIME THE EVENTS
12 OCCURRED?

13 A I ONLY REMEMBER THE MOST IMPORTANT PARTS BECAUSE I HEARD
14 THEM.

15 Q MY QUESTION, SIR, IS: DID YOU MAKE ANY SORT OF NOTES AT
16 ANY TIME?

17 A NO.

18 Q NOW, YOU KNEW SHORTLY AFTER FEBRUARY 7TH 1985 THE D.E.A.
19 WAS INVESTIGATING WHO KIDNAPPED MR. CAMARENA; ISN'T THAT
20 CORRECT?

21 A YES.

22 Q AND YOU KNEW MONEY WAS BEING OFFERED TO PEOPLE IF THEY HAD
23 ANY INFORMATION; ISN'T THAT CORRECT?

24 A I DIDN'T FIND OUT ABOUT THAT IN ANY WAY, THAT WHICH YOU'RE
25 TALKING ABOUT.

1 Q DID YOU EVER FIND OUT THAT MONEY WAS BEING OFFERED IF
2 PEOPLE HAD INFORMATION THAT THEY COULD FURNISH WITH REGARD TO
3 THE KIDNAPPING?

4 A NO, I NEVER DID FIND THAT OUT.

5 Q YOU KNEW WHERE THE D.E.A. OFFICE WAS IN GUADALAJARA, DID
6 YOU NOT, IN 1985?

7 A NO.

8 Q YOU KNEW WHERE THE AMERICAN CONSULATE WAS, DID YOU NOT, IN
9 1985?

10 A YES.

11 Q DID YOU EVER IN 1985 GO TO THE AMERICAN CONSULATE AND SAY,
12 "I HAVE INFORMATION ABOUT THE ENRIQUE CAMARENA KIDNAPPING"?

13 A NO.

14 Q IN 1986?

15 A NO.

16 Q 1987?

17 A NO.

18 Q 1988?

19 A NO.

20 Q IS IT YOUR TESTIMONY, SIR, THAT THE FIRST TIME YOU CAME
21 FORWARD AND TOLD ANYONE THAT YOU HAD ANY INFORMATION ABOUT THE
22 CAMARENA KIDNAPPING WAS IN NOVEMBER 1989?

23 A YES.

24 Q NOW, AT THAT TIME, YOU KNEW MONEY WAS BEING OFFERED, DID
25 YOU NOT?

1 MR. MEDRANO: OBJECTION, ASKED AND ANSWERED.

2 THE COURT: OVERRULED.

3 THE WITNESS: I DID NOT KNOW.

4 BY MR. MEDVENE:

5 Q WHAT WAS THE EVENT IN 1989 THAT CAUSED YOU TO COME FORWARD
6 WHEN YOU HADN'T COME FORWARD IN THE FOUR AND A HALF PRECEDING
7 YEARS WITH INFORMATION?

8 A WELL, THERE WAS A PERSON WHO ASKED ME IF I COULD COOPERATE.

9 Q AND WHAT WAS THAT PERSON'S NAME?

10 A I ONLY KNOW HIM BY A NICKNAME. I DON'T KNOW THE NAME.

11 Q WHAT IS THE NICKNAME?

12 A PANTERA.

13 Q DO YOU KNOW ANTONIO GARATE BUSTAMANTE?

14 A HE WAS MY BOSS WHEN I WAS WITH THE RIOT POLICE IN
15 GUADALAJARA IN 1979.

16 Q DID HE HAVE ANY RELATIONSHIP WITH THE GENTLEMAN THAT CALLED
17 YOU?

18 A THEY WERE FRIENDS.

19 Q THE PERSON THAT CALLED YOU, COULD YOU REPEAT THEIR NAME?

20 A THE PERSON WHO CALLED ME AND THE PERSON THAT I HAD CONTACT
21 WITH WAS MR. ANTONIO GARATE.

22 Q I THOUGHT YOU HAD GIVEN ME A DIFFERENT NAME A MOMENT AGO,
23 AS THE PERSON THAT FIRST CALLED YOU.

24 A WELL, YOU ASKED ME ABOUT THE FIRST CONTACT I WAS GOING TO
25 HAVE. MY FIRST CONTACT WAS PANTERA.

1 Q PANTERA IS A DIFFERENT PERSON THAN GARATE BUSTAMANTE?

2 A NO. NO, HE'S NOT.

3 Q ARE THEY THE SAME PERSON?

4 A NO.

5 Q SO PANTERA IS A DIFFERENT PERSON THAN GARATE BUSTAMANTE; IS
6 THAT CORRECT?

7 MR. MEDRANO: OBJECTION. ASKED AND ANSWERED, YOUR
8 HONOR.

9 THE COURT: THAT IS SUSTAINED.

10 BY MR. MEDVENE:

11 Q WHEN DID PANTERA CALL YOU?

12 A I SAW HIM IN 89, WHILE I WAS WITH THE RIOT POLICE. HE ALSO
13 WAS A RIOT POLICEMAN. HE WAS WITH ME.

14 HE SAID THAT HE KNEW THAT -- HE HAD SEEN -- THAT I HAD
15 WORKED WITH ATTORNEY JAVIER BARBA HERNANDEZ, AND WHETHER I KNEW
16 SOMETHING ABOUT THE KIDNAPPING, BECAUSE MEETINGS HAD BEEN HELD
17 THERE. AND I TOLD HIM THAT, YES, I DID KNOW.

18 Q NOW, WHEN IN 1989 DID HE CONTACT YOU, SIR?

19 A OCTOBER.

20 Q NOW, YOU KNEW HIM FROM WHEN YOU WORKED WITH THE RIOT POLICE
21 IN 1981, DID YOU NOT?

22 A YES.

23 Q WELL, IF YOU KNEW HE WAS WITH THE RIOT POLICE THROUGH THIS
24 WHOLE PERIOD, WHY DIDN'T YOU CALL HIM IN 1985 AND TELL HIM YOU
25 HAD INFORMATION?

1 A WELL, BECAUSE HE WAS NOT THE ADEQUATE PERSON TO TELL ME
2 WHAT I WAS SUPPOSED TO DO. HE WAS GOING TO PUT ME IN TOUCH
3 WITH MR. ANTONIO GARATE.

4 Q BUT IF YOU WANTED -- STRIKE THAT.

5 IF YOU HAD INFORMATION ABOUT THE KIDNAPPING THAT YOU
6 WERE WILLING TO GIVE TO MR. GARATE IN 1989, WHY DIDN'T YOU GIVE
7 IT TO SOMEBODY PRIOR TO THAT?

8 A BECAUSE, BUDDY, I WOULD BE DEAD.

9 Q YOU WOULDN'T BE DEAD IF YOU GAVE IT TO HIM IN 1989, BUT YOU
10 WOULD BE DEAD IF YOU GAVE IT TO HIM IN 1986? IS THAT WHAT
11 YOU'RE SAYING?

12 THE INTERPRETER: EXCUSE ME, YOUR HONOR. THE
13 INTERPRETER NEEDS THAT QUESTION AGAIN.

14 THE COURT: RESTATE THE QUESTION.

15 BY MR. MEDVENE:

16 Q ARE YOU SAYING THAT IF YOU GAVE INFORMATION IN 1989, YOU
17 WOULD NOT BE KILLED, BUT IF YOU GAVE IT AT AN EARLIER PERIOD OF
18 TIME, YOU WOULD BE KILLED?

19 A WELL, YES. IT'S DANGEROUS.

20 Q WELL, WHAT DID MR. BUSTAMANTE SAY TO YOU -- STRIKE THAT.

21 HOW DID YOU GET IN TOUCH WITH MR. BUSTAMANTE?

22 A OVER THE PHONE.

23 Q YOU KNEW HIM FROM 1980 -- 81, DID YOU NOT?

24 A YES.

25 Q IS THERE SOME REASON YOU DIDN'T CALL HIM AT AN EARLIER

1 PERIOD OF TIME?

2 A I DIDN'T KNOW THAT HE WAS WORKING WITH THESE PEOPLE.

3 Q NOW, DID HE TELL YOU THAT IF YOU COULD COME UP WITH
4 INFORMATION ABOUT ZUNO ARCE, HE COULD HELP YOU GET RELOCATED TO
5 THE UNITED STATES?

6 A NO. HE ONLY ASKED ME IF I WANTED TO COOPERATE VOLUNTARILY;
7 AND I TOLD HIM, YES, THAT I WAS WILLING.

8 Q WELL, DID HE PROMISE YOU THAT YOU COULD COME TO THIS
9 COUNTRY AND LIVE PERMANENTLY IF YOU COOPERATED?

10 A WELL, I WAS THE ONE WHO TOLD HIM THAT, WERE I TO LEAVE
11 MEXICO, I COULD EXPLAIN EVERYTHING TO HIM, EVERYTHING THAT I
12 KNEW. AND HE SAID THAT HE WAS GOING TO HELP ME, SO THAT
13 NOTHING WOULD HAPPEN, AND THAT I WOULD BE HERE IN THE UNITED
14 STATES, WHERE I COULD TALK.

15 Q SO DID HE TELL YOU THAT IF YOU GAVE INFORMATION, YOU'D BE
16 ABLE TO LIVE HERE IN THE UNITED STATES AND LIVE HERE WITH YOUR
17 FAMILY PERMANENTLY?

18 A WELL, TO SAY IT AGAIN: I ASKED HIM FOR HELP, AND HE
19 OFFERED IT TO ME.

20 Q MY QUESTION, SIR, IS: DID HE TELL YOU IF YOU GAVE
21 INFORMATION, HE WOULD ARRANGE SO THAT YOU COULD LIVE IN THIS
22 COUNTRY PERMANENTLY?

23 A NO. HE ONLY ASKED ME IF I KNEW ABOUT THE CASE, AND I TOLD
24 HIM THAT I DID.

25 Q NOW, IF YOU DIDN'T HAVE ANY PROMISE THAT YOU COULD LIVE

1 HERE PERMANENTLY, DIDN'T YOU STILL RUN A RISK OF BEING HARMED
2 IF YOU GAVE INFORMATION?

3 A I HADN'T SAID ANYTHING YET. I DIDN'T SAY ANYTHING UNTIL I
4 WAS IN THE UNITED STATES.

5 Q WHEN YOU WERE IN MEXICO, THEN, ARE YOU SAYING YOU DID NOT
6 TELL MR. BUSTAMANTE WHAT INFORMATION YOU HAD?

7 A WELL, YES, I DID TELL HIM THAT I HAD INFORMATION, BUT THAT
8 I WAS NOT GOING TO GIVE IT TO HIM OVER THE PHONE; I WOULD ONLY
9 GIVE IT TO HIM BEING IN THE UNITED STATES.

10 Q IS IT TRUE, THEN, THAT UNTIL YOU CAME TO THE UNITED STATES,
11 APPROXIMATELY THANKSGIVING OF LAST YEAR, YOU HAD NOT TOLD
12 ANYONE THAT MR. ZUNO WAS IN ANY WAY INVOLVED IN THE KIDNAPPING
13 OF AGENT CAMARENA?

14 A YES. I DID TELL HIM THAT HE HAD SOMETHING TO DO WITH THE
15 KIDNAPPING.

16 Q YOU TOLD MR. GARATE BUSTAMANTE?

17 A YES. I TOLD HIM ONCE I GOT TO TIJUANA.

18 Q SO THAT FROM FEBRUARY OF 85 -- STRIKE THAT.

19 YOU GOT TO TIJUANA APPROXIMATELY WHEN? IS THAT AROUND
20 THANKSGIVING OF 89?

21 A ONE OR TWO DAYS PRIOR.

22 Q IS IT TRUE, THEN, SIR, THAT FROM FEBRUARY 7TH OF 85 UNTIL
23 SHORTLY BEFORE THANKSGIVING OF 89, YOU NEVER TOLD ANY
24 INDIVIDUAL THAT ZUNO ARCE HAD ANYTHING TO DO WITH THE ENRIQUE
25 CAMARENA KIDNAPPING?

1 A I HAD ALREADY TOLD THEM.

2 Q YOU HAD ALREADY TOLD MR. BUSTAMANTE?

3 A YES, I TOLD MR. GARATE BUSTAMANTE.

4 Q SO THE FIRST TIME YOU TOLD ANYONE THAT MR. ZUNO HAD ANY
5 INVOLVEMENT IN THE CAMARENA KIDNAPPING WAS WHEN YOU TOLD MR.
6 BUSTAMANTE, APPROXIMATELY THANKSGIVING OF 1989, IN TIJUANA; IS
7 THAT CORRECT?

8 A IT WAS IN THE MONTH OF OCTOBER, AND IT WASN'T REALLY IN
9 TIJUANA. IT WAS IN A PLACE WHERE YOU CROSS.

10 I DIDN'T WANT TO SAY ANYTHING BEFORE THAT BECAUSE I
11 WANTED TO BE SURE.

12 Q SO THAT WE'RE CLEAR, THEN, SIR, FROM 1985 THROUGH SOMETIME
13 IN OCTOBER OF 1989, YOU HAD NOT TOLD ANY INDIVIDUAL ANYWHERE
14 THAT MR. ZUNO HAD ANY INVOLVEMENT OF ANY KIND IN THE ENRIQUE
15 CAMARENA KIDNAPPING; ISN'T THAT CORRECT, SIR?

16 A EXCUSE ME?

17 Q IS THAT CORRECT, SIR?

18 A I NEED YOU TO REPEAT THE QUESTION.

19 Q IS IT TRUE, SIR, THAT AT NO TIME PRIOR TO OCTOBER OF 1989
20 DID YOU TELL ANY LIVING PERSON THAT MR. ZUNO HAD ANY
21 INVOLVEMENT OF ANY KIND IN THE ENRIQUE CAMARENA KIDNAPPING?

22 A YES. I DIDN'T TELL ANYBODY ANYTHING.

23 Q NOW, THE FIRST TIME YOU SAY ANYTHING IS TO MR. GARATE AT
24 THE BORDER CROSSING PLACE NEAR SAN DIEGO?

25 A YES.

1 Q NOW, AT THAT TIME, WHO'S PRESENT: JUST YOU AND MR.
2 BUSTAMANTE?

3 A YES.

4 Q AND DOES HE SAY TO YOU, "WHAT INFORMATION CAN YOU GIVE ME
5 ABOUT MR. ZUNO?"

6 A NO. HE WAS NOT REFERRING SPECIFICALLY TO HIM. HE WAS
7 REFERRING TO WHAT I KNEW ABOUT CAMARENA'S KIDNAPPING.

8 Q AND DID YOU MENTION MR. ZUNO'S NAME TO HIM AT THAT TIME?

9 A YES.

10 Q NOW, YOU KNEW THAT HE WAS GETTING PAID BY THE D.E.A. TO
11 COME UP WITH WITNESSES IN CONNECTION WITH THE ENRIQUE CAMARENA
12 KIDNAPPING; IS THAT CORRECT, SIR?

13 MR. MEDRANO: OBJECTION. LACK OF FOUNDATION.

14 THE COURT: OVERRULED.

15 THE WITNESS: I DIDN'T KNOW ANYTHING ABOUT THAT.

16 BY MR. MEDVENE:

17 Q WELL, YOU WERE HIS FRIEND FOR SOME 10 YEARS BEFORE THIS
18 MEETING IN OCTOBER OF 1989; ISN'T THAT CORRECT?

19 A YES.

20 Q YOU HAD WORKED TOGETHER?

21 A HE WAS MY COMANDANTE.

22 Q DIDN'T YOU DISCUSS WITH HIM WHAT HIS ARRANGEMENT WAS WITH
23 THE D.E.A.?

24 A NO.

25 Q DID YOU TALK TO HIM ABOUT WHETHER OR NOT HE HIMSELF HAD

1 BEEN AT A MEETING IN DECEMBER OF 1984, WHEN THE PICTURE OF
2 ENRIQUE CAMARENA WAS PASSED AROUND AND MR. FONSECA SAID, "WE
3 HAVE TO KILL HIM"?

4 A NO.

5 Q DID YOU TALK TO HIM AT ALL ABOUT WHAT INVOLVEMENT HE HAD IN
6 THE KIDNAPPING?

7 A NO.

8 Q DID YOU TALK TO HIM ABOUT WHETHER YOU COULD REMAIN IN THE
9 COUNTRY IF YOU GAVE INFORMATION THAT WAS FOUND TO BE HELPFUL?

10 A YES. I ALSO SAID THAT IF THEY HELPED ME, I WAS GOING TO
11 SAY EVERY -- WHAT I KNEW, AND ONLY THE TRUTH.

12 Q IF THEY HELPED YOU WHAT? WHAT DID YOU ASK FOR?

13 A I DIDN'T ASK THEM FOR ANYTHING.

14 Q YOU SAID IF THEY HELPED YOU -- STRIKE THAT.

15 DID YOU EXPLAIN IT TO MR. BUSTAMANTE, WHAT YOU MEANT
16 BY "HELP" YOU?

17 A WELL, TO BRING MY FAMILY TO LIVE HERE.

18 Q YOU THOUGHT YOU COULD MAKE MORE, LIVING HERE IN THIS
19 COUNTRY, THAN THE \$45.00 A MONTH YOU WERE MAKING IN MEXICO; IS
20 THAT RIGHT?

21 A I NEVER THOUGHT OF THAT.

22 Q NEVER THOUGHT YOU COULD MAKE MORE MONEY HERE IN THE UNITED
23 STATES THAN YOU WERE MAKING IN MEXICO?

24 A WELL, MAYBE I DID THINK ABOUT IT, BUT -- (PAUSE.)

25 Q WELL, YOU DID THINK ABOUT IT, DIDN'T YOU, SIR?

1 A NO, I DIDN'T THINK ABOUT THAT. I JUST CAME BECAUSE OF WHAT
2 I KNOW. THAT'S ALL.

3 Q BUT YOU DIDN'T COME TO THIS COUNTRY FROM 85 TO OCTOBER OF
4 89 -- STRIKE THAT.

5 YOU DIDN'T COME TO THIS COUNTRY BEFORE THAT BECAUSE OF
6 WHAT YOU KNOW, DID YOU?

7 A NO.

8 Q NOW, DID MR. BUSTAMANTE TELL YOU IF YOU GAVE HELPFUL
9 INFORMATION, THAT YOU'D BEEN PAID AND YOU COULD STAY IN THIS
10 COUNTRY WITH YOUR FAMILY?

11 A NO, HE DIDN'T SAY THAT TO ME. HE JUST PUT ME IN TOUCH WITH
12 ANOTHER PERSON.

13 Q YOU DIDN'T GIVE HIM ANY DETAILS OF ANY KIND AT THAT TIME
14 ABOUT MR. ZUNO, DID YOU?

15 A ONLY THAT I KNEW THAT HE HAD BEEN THERE. I TOLD HIM THAT.

16 Q YOU DIDN'T TELL HIM WHERE HE HAD BEEN, DID YOU?

17 A (SHAKING HEAD FROM SIDE TO SIDE.)

18 Q YOU'RE SHAKE YOUR HEAD "NO"?

19 A NO.

20 Q SO YOU WERE HOLDING OUT YOUR INFORMATION TO SEE WHAT YOU
21 COULD GET FOR IT; ISN'T THAT TRUE?

22 A NEVER. NO.

23 Q WELL, WHAT HAPPENS THEN? YOU DON'T TELL MR. GARATE ANY
24 DETAILS ABOUT ANY MEETINGS. WHEN DO YOU FIRST TELL SOMEBODY?

25 A A FEW DAYS LATER, HE PUTS ME IN TOUCH WITH A PERSON AND I

1 MEET WITH THAT PERSON.

2 Q IS THIS OCTOBER OR NOVEMBER, SIR?

3 A NOVEMBER.

4 Q AROUND THANKSGIVING?

5 A I DON'T KNOW WHEN THANKSGIVING WOULD BE.

6 Q ASSUME, SIR, THAT THANKSGIVING WOULD BE SOMEWHERE AROUND
7 THE 24TH, 25TH OF NOVEMBER. MY QUESTION THEN, SIR, IS: THE
8 PEOPLE THAT HE PUT YOU IN TOUCH WITH, DID YOU SEE THEM FOR THE
9 FIRST TIME AROUND THANKSGIVING OF 1989?

10 A THE FIRST DAYS OF NOVEMBER, BEGINNING OF NOVEMBER.

11 Q BEGINNING OF NOVEMBER?

12 A MORE OR LESS.

13 Q WHO WAS IT THAT YOU SAW?

14 A MR. HECTOR BERRELLEZ.

15 Q AND WHERE DID YOU SEE HIM?

16 A AT A HOTEL WHERE I WAS STAYING.

17 Q IN WHAT CITY, SIR?

18 A HERE IN LOS ANGELES.

19 Q DID MR. BUSTAMANTE TELL YOU TO COME HERE TO LOS ANGELES AND
20 GO TO A PARTICULAR HOTEL?

21 A NO. NO, HE TOOK ME TO THE HOTEL. I STAYED AT THE HOTEL,
22 AND SUBSEQUENTLY I SPOKE WITH THAT PERSON.

23 Q NOW, BEFORE SPEAKING TO THAT PERSON -- THAT PERSON'S MR.
24 BERRELLEZ?

25 A EXCUSE ME?

1 Q THE PERSON YOU SPOKE TO IS MR. BERRELLEZ?

2 A YES.

3 Q AND DO YOU SEE MR. BERRELLEZ IN THE COURTROOM TODAY?

4 A YES.

5 Q HE'S HELPED PREPARE YOU, HAS HE NOT, FOR YOUR TESTIMONY?

6 A NO. HOW COULD THEY PREPARE ME? I KNOW WHAT HAPPENED.

7 Q WELL, YOU'VE SPOKEN TO MR. BERRELLEZ A NUMBER OF TIMES
8 ABOUT YOUR TESTIMONY, HAVE YOU NOT, SIR, IN THE LAST SEVERAL
9 DAYS?

10 A ONLY WITH MR. MEDRANO AND MR. BERRELLEZ TOGETHER.

11 Q AT THE MORNING RECESS, SIR, DIDN'T MR. BERRELLEZ COME UP TO
12 YOU AND WAS TALKING TO YOU ABOUT YOUR TESTIMONY, THIS VERY
13 MORNING?

14 A NO. HE JUST SAID THAT MY SUIT LOOKED GOOD ON ME, AND THAT
15 WAS ALL.

16 COURTROOM: (LAUGHTER.)

17 BY MR. MEDVENE:

18 Q IS THAT A SUIT THAT WAS BOUGHT --

19 A HE DIDN'T SAY ANYTHING TO ME.

20 Q WAS THIS A SUIT THAT HE HELPED BUY FOR YOU YESTERDAY?

21 A (LAUGHTER.) NO.

22 COURTROOM: (LAUGHTER.)

23 BY MR. MEDVENE:

24 Q SO ALL HE WAS TALKING TO YOU ABOUT IS HOW GOOD YOU LOOK?

25 A NO. HE JUST SAID THAT THIS SUIT WAS FINE.

1 Q NOW, HE CAME UP TO YOU AGAIN THIS AFTERNOON. HE CAME UP TO
2 YOU AGAIN. DID HE TALK TO YOU AGAIN ABOUT YOUR SUIT?

3 A NO. HE ASKED ME WHETHER I HAD ALREADY SEEN THESE
4 PHOTOGRAPHS, WHETHER HE SHOULD REMOVE THEM.

5 Q YOU SAW MR. BERRELLEZ THIS MORNING BEFORE YOU TESTIFIED,
6 DIDN'T YOU? IN OTHER WORDS, BEFORE COURT STARTED THIS MORNING.

7 A NO.

8 Q DIDN'T MR. BERRELLEZ WALK YOU IN, BEFORE THE COURT AND THE
9 JURY CAME DOWN, AND HELP SEAT YOU?

10 A HE WAS STANDING IN THE DOORWAY. I CAME IN WITH OTHER
11 PEOPLE. NO.

12 Q DIDN'T HE WALK UP TO THE SEAT WHERE YOU'RE SITTING?

13 A WELL, MAYBE SO. I DIDN'T PAY ATTENTION. I WAS WALKING
14 AHEAD.

15 Q BUT HE DIDN'T MENTION YOUR SUIT THEN?

16 A NOTHING.

17 COURTROOM: (LAUGHTER.)

18 BY MR. MEDVENE:

19 Q NOW, WHEN YOU SPOKE TO MR. BERRELLEZ THIS FIRST TIME, DID
20 YOU MAKE ANY REQUEST BEFORE YOU GAVE HIM ANY INFORMATION?

21 MR. MEDRANO: OBJECTION. AMBIGUOUS: FIRST TIME; THIS
22 MORNING; NOVEMBER.

23 MR. MEDVENE: I'M SORRY.

24 THE COURT: RESTATE THE QUESTION.

25 MR. MEDVENE: YES, SIR.

1 Q YOU'VE TOLD US YOU MET MR. BERRELLEZ AT A HOTEL IN LOS
2 ANGELES IN 1989; IS THAT CORRECT, SIR?

3 A YES.

4 Q AND PRIOR TO GIVING ANY INFORMATION ABOUT MR. CAMARENA'S
5 KIDNAPPING, DID YOU MAKE ANY REQUESTS OF HIM?

6 A NO, NOTHING.

7 Q DID YOU HAVE ANY DISCUSSIONS WITH HIM ABOUT YOUR ABILITY TO
8 LIVE HERE PERMANENTLY IN THIS COUNTRY?

9 A I TOLD HIM THAT I ONLY KNOW WHAT I KNOW AND WHAT I HAVE
10 SAID, AND THAT MY FAMILY WAS IN DANGER IN MEXICO. THAT'S WHAT
11 I TOLD HIM.

12 I TOLD HIM THAT MY FAMILY'S IN MEXICO AND I NEED TO
13 HAVE THEM HERE FOR ME TO MAKE STATEMENTS.

14 THE INTERPRETER: EXCUSE ME, YOUR HONOR. THERE WAS
15 SLIGHTLY MORE. MAY I ASK HIM TO REPEAT?

16 THE COURT: YES.

17 THE INTERPRETER: (CONFERS WITH WITNESS.)

18 THE WITNESS: I TOLD HIM THAT, WELL, IF HE WANTED TO
19 ARREST ME FOR WHAT I KNEW, THAT HE SHOULD GO AHEAD; BUT THAT
20 FOR ME TO TALK, THAT MY FAMILY SHOULD BE BROUGHT HERE.

21 BY MR. MEDVENE:

22 Q AND DID HE SAY THAT THAT WOULD BE AGREEABLE: IF YOU GAVE
23 INFORMATION THAT HE THOUGHT WAS HELPFUL, THAT YOUR FAMILY WOULD
24 BE BROUGHT HERE?

25 A YES, THAT THE GOVERNMENT WAS GOING TO HELP ME BECAUSE OF

1 WHAT I KNEW, BECAUSE IT WAS ALL TRUE.

2 Q NOW, HAD YOU -- STRIKE THAT.

3 WHEN DID YOU FIRST MENTION TO HIM THAT MR. ZUNO WAS IN
4 ANY MEETINGS AT WHICH THE CAMARENA KIDNAPPING WAS DISCUSSED?

5 A THE FIRST TIME WHEN I EXPLAINED EVERYTHING TO HIM, I TOLD
6 HIM THAT HE ALSO HAD BEEN THERE.

7 Q AND THAT'S THE TIME -- IS THAT THIS OCCASION, THAT WE'RE
8 TALKING ABOUT?

9 MR. MEDRANO: OBJECTION. AMBIGUOUS, YOUR HONOR: THIS
10 OCCASION?

11 THE WITNESS: I DON'T KNOW WHAT HE'S TALKING ABOUT.

12 THE COURT: RESTATE YOUR QUESTION.

13 BY MR. MEDVENE:

14 Q WAS IT ON THIS OCCASION, WHEN MR. BERRELLEZ MET YOU IN THE
15 HOTEL ROOM, THAT YOU TOLD HIM EVERYTHING YOU KNEW ABOUT MR.
16 ZUNO'S INVOLVEMENT IN THE CAMARENA KIDNAPPING?

17 A YES.

18 Q NOW, DID HE GIVE YOU AT THAT TIME \$2,000.00?

19 A YES. FOR EXPENSES, YES.

20 Q WAS THAT AT THE SAME MEETING?

21 A YES, ONCE WE FINISHED TALKING.

22 Q HAD YOU WORKED OUT AN ARRANGEMENT ON MONEY PRIOR TO THE
23 TIME YOU STARTED TO TALK?

24 A NO. WE HADN'T TALKED ABOUT MONEY. I WAS ONLY ASKING FOR
25 PROTECTION, FOR MY FAMILY AND FOR MYSELF.

1 Q NOW, WHEN YOU WERE GIVEN THE \$2,000.00, WHAT WAS SAID ABOUT
2 GETTING MORE MONEY?

3 A WE DIDN'T SAY ANYTHING ABOUT THAT.

4 Q WELL, WEREN'T YOU TOLD THAT IF YOU WERE COOPERATIVE AND
5 GAVE TESTIMONY, YOU WOULD BE GIVEN MORE MONEY?

6 A HE ONLY TOLD ME THAT I WOULD RECEIVE HELP MONTHLY IN ORDER
7 TO BE ABLE TO LIVE, TO PAY RENT; HELP FOR MY FAMILY.

8 Q NOW, WHEN YOU SPOKE TO MR. BERRELLEZ AND TOLD HIM
9 EVERYTHING YOU KNEW, YOU NEVER MENTIONED THE OCTOBER 1984
10 WEDDING MEETING THAT YOU'VE TOLD THE JURY ABOUT HERE TODAY; IS
11 THAT CORRECT?

12 A NO. I TOLD HIM ABOUT THAT LATER.

13 Q NOW, IN ADDITION TO SEEING MR. BERRELLEZ ON THIS OCCASION
14 IN NOVEMBER OF 1984, DID YOU ALSO, ON THE SAME TRIP, SEE
15 MEMBERS OF THE U.S. ATTORNEY'S OFFICE?

16 A I DON'T UNDERSTAND THAT QUESTION.

17 Q WHEN YOU GOT HERE, YOU SPOKE TO MR. BERRELLEZ AT YOUR
18 HOTEL, IS THAT CORRECT, IN NOVEMBER OF 1989?

19 A YES.

20 Q DID YOU SPEAK TO THEM -- DID YOU SPEAK TO HIM MORE THAN ONE
21 DAY ON THAT TRIP?

22 A JUST HOURS. NOT EVEN A DAY.

23 Q DID YOU VISIT AND DISCUSS THE CASE AT THAT TIME WITH ANYONE
24 IN THE U.S. ATTORNEY'S OFFICE?

25 A JUST WITH THE GOVERNMENT ATTORNEY, MEDRANO.

1 Q AND YOU ALSO DID NOT TELL THE GOVERNMENT ATTORNEY THAT
2 THERE WAS ANY MEETING IN OCTOBER OF 84 WHERE MR. ZUNO ALLEGEDLY
3 SAID ANYTHING ABOUT ANY KIDNAPPING; ISN'T THAT CORRECT?

4 THE INTERPRETER: EXCUSE ME, YOUR HONOR. THE
5 INTERPRETER NEEDS THAT QUESTION AGAIN.

6 BY MR. MEDVENE:

7 Q YOU DID NOT TELL MR. MEDRANO ANYTHING ABOUT ANY OCTOBER
8 MEETING THAT MR. ZUNO WAS ALLEGEDLY AT, WHERE THE KIDNAPPING OF
9 MR. CAMARENA WAS DISCUSSED?

10 A YES. I HAD ALREADY TOLD HIM.

11 Q YOU'VE TOLD US THAT IN NOVEMBER YOU DID NOT TELL THE D.E.A.
12 AGENTS ABOUT THE ALLEGED OCTOBER MEETING; IS THAT CORRECT, SIR?

13 THE COURT: COUNSEL, I THINK -- WE ALREADY HEARD WHAT
14 HE SAID, SO TO ASK HIM WHAT HE SAID IS A WASTE OF TIME.

15 MR. MEDVENE: YES, SIR.

16 THE COURT: IF YOU WANT TO FOLLOW UP ON IT -- ASK HIM
17 A QUESTION -- I SUGGEST YOU NOT DO IT IN THAT WAY.

18 MR. MEDVENE: YES, SIR.

19 Q IS IT CORRECT THAT ON YOUR FIRST TRIP TO LOS ANGELES WHEN
20 YOU SPOKE TO THE D.E.A. REPRESENTATIVES AND MR. MEDRANO, YOU
21 DID NOT TELL THEM ABOUT ANY OCTOBER MEETING HAVING TO DO WITH
22 THE KIDNAPPING OF MR. CAMARENA? IS THAT CORRECT?

23 A NO. I DIDN'T MENTION THAT UNTIL LATER

24 Q NOW -- STRIKE THAT.

25 AFTER YOUR FIRST MEETING WITH THE D.E.A. AGENTS AND

1 MR. MEDRANO, DID YOU RETURN TO MEXICO?

2 A YES.

3 Q AND YOU WERE NOT HARMED?

4 A NO.

5 Q THEN A WEEK OR SO LATER, AFTER THE FIRST MEETING, DID YOU
6 COME BACK TO MEET AGAIN WITH THE D.E.A. AGENTS AND MR. MEDRANO?

7 A YES.

8 Q NOW, AT THAT TIME, APPROXIMATELY NOVEMBER 30 OF LAST YEAR,
9 YOU DID NOT TELL MR. MEDRANO OR THE D.E.A. AGENTS ANYTHING
10 ABOUT THIS ALLEGED OCTOBER MEETING, DID YOU?

11 A I DIDN'T MENTION THAT MEETING TO THEM IN NOVEMBER. I
12 DIDN'T MENTION IT UNTIL JANUARY TO THEM.

13 Q NOW, YOU ALSO DIDN'T MENTION IN NOVEMBER, TO THE D.E.A.
14 AGENTS OR MR. MEDRANO, ON THIS SECOND TRIP, ANYTHING ABOUT AN
15 ALLEGED SEPTEMBER BAPTISM MEETING WHERE YOU NOW CLAIM THERE WAS
16 A DISCUSSION ABOUT THE KIDNAPPING; IS THAT CORRECT?

17 A NO, I DIDN'T TELL THEM ABOUT THAT UNTIL LATER, ALSO.

18 Q DID YOU RETURN TO MEXICO -- STRIKE THAT.

19 YOU APPEARED BEFORE THE -- STRIKE THAT.

20 DID YOU RETURN TO MEXICO ABOUT DECEMBER 1?

21 A YES, APPROXIMATELY AROUND THEN.

22 Q AND THAT WAS AFTER YOU HAD TESTIFIED BEFORE THE FEDERAL
23 GRAND JURY; IS THAT CORRECT?

24 A YES, I HAD TESTIFIED.

25 Q AND YOU MADE NO MENTION OF ANY KIND OF ANY MEETINGS WHERE

1 MR. ZUNO ALLEGEDLY SAID ANYTHING ABOUT THE KIDNAPPING OTHER
2 THAN A FEBRUARY 1985 MEETING; IS THAT CORRECT?

3 A YES, THAT'S CORRECT.

4 Q YOU MADE NO MENTION OF ANY LAND AT PRIMAVERA PARK THAT MR.
5 ZUNO ALLEGEDLY OWNED? YOU NEVER MENTIONED THAT, DID YOU?

6 A YES, I DID MENTION IT.

7 Q YOU DIDN'T MENTION IT ON YOUR NOVEMBER 23RD AND 24TH TRIP,
8 DID YOU?

9 A I DON'T UNDERSTAND THE QUESTION.

10 Q YOU DID NOT MENTION THIS PRIMAVERA PARK, THAT YOU TESTIFIED
11 ABOUT EARLIER, WHEN YOU FIRST CAME TO THIS COUNTRY AND SPOKE TO
12 THE D.E.A. AGENTS AND MR. MEDRANO, DID YOU?

13 A YES, I DID MENTION LA PRIMAVERA TO THEM.

14 Q YOU'RE SAYING YOU MENTIONED IT WHEN YOU CAME HERE NOVEMBER
15 23RD, THAT YOU SAID THAT MR. ZUNO OWNED LAND AT PRIMAVERA THAT
16 HAD SOMETHING TO DO WITH THE BODIES? YOU'RE SAYING YOU
17 MENTIONED THAT?

18 A NO.

19 Q AND YOU DIDN'T MENTION IT NOVEMBER 30, WHEN YOU CAME HERE
20 TO TESTIFY BEFORE THE GRAND JURY, DID YOU?

21 A NO.

22 Q AND YOU DIDN'T MENTION IT JANUARY 2ND, WHEN YOU CAME BACK
23 TO THIS COUNTRY TO TALK THE D.E.A. AGENTS ABOUT EVERYTHING YOU
24 KNEW, DID YOU?

25 A I DON'T UNDERSTAND THAT QUESTION.

1 Q AGAIN, YOU DIDN'T MENTION IT WHEN YOU CAME BACK TO THIS
2 COUNTRY AND SPOKE TO THE D.E.A. AGENTS ON JANUARY 2ND OF THIS
3 YEAR, DID YOU?

4 A YES, I DID MENTION IT.

5 Q YOU MENTIONED IT ON JANUARY 2ND, OR AT SOME LATER TIME?

6 A JANUARY 2ND? THAT IS THE DATE, MORE OR LESS; AROUND THEN.

7 Q NOW, IF THERE'S NO REFERENCE TO IT IN THE D.E.A. AGENT'S
8 REPORT, WOULD THAT REFRESH YOU THAT YOU DIDN'T MENTION IT ON
9 JANUARY 2ND, SIR?

10 A I DON'T UNDERSTAND.

11 Q IF THERE'S NO REFERENCE TO YOUR SAYING THAT IN THE REPORT
12 BY MR. BERRELLEZ, WOULD THAT REFRESH YOU THAT YOU DID NOT TELL
13 THE D.E.A. AGENTS THAT ON JANUARY 2ND?

14 A I TOLD HIM ON JANUARY 11TH.

15 Q SO NOT JANUARY 2ND?

16 A WELL, I TOLD YOU IT WAS AROUND A FEW DATES. I REMEMBER IT
17 WAS THE 11TH.

18 Q IF THERE WAS NO REFERENCE TO YOUR SAYING THAT IN THE
19 JANUARY 11TH REPORT BY MR. BERRELLEZ, WOULD THAT REFRESH YOU IT
20 WAS NOT JANUARY 11TH?

21 A I DID TELL HIM.

22 Q AT SOME TIME; IS THAT CORRECT? YOU TOLD HIM SOMETIME?

23 A I TOLD HIM THAT DURING A MEETING THAT HE HAD WITH ME. I
24 TOLD HIM WHAT YOU'RE SAYING TO ME.

25 Q WHEN? WHEN WAS THAT MEETING?

1 A IT WAS AROUND THAT TIME, ABOUT THE 11TH. I DON'T KNOW WHAT
2 DAY EXACTLY.

3 Q NOW, YOU WERE PAID ANOTHER \$1500.00 ON DECEMBER 1ST,
4 WEREN'T YOU?

5 A YES. IT WAS TO HELP MY FAMILY, SO THAT I COULD BE HERE AND
6 ALL OF THAT.

7 Q DID YOU RETURN TO MEXICO AROUND DECEMBER 1ST?

8 A NO. IT WAS MORE TOWARD THE MIDDLE OF DECEMBER.

9 Q SO YOU WERE HERE FROM SOME TIME AROUND NOVEMBER 30, WHEN
10 YOU TESTIFIED BEFORE THE GRAND JURY, TO THE MIDDLE OF DECEMBER;
11 IS THAT WHAT YOU'RE SAYING, SIR?

12 A NO. IT WASN'T TOWARD THE END. IT WAS TOWARD THE MIDDLE OF
13 DECEMBER.

14 Q I'M SORRY, SIR. I MIGHT HAVE MISUNDERSTOOD.

15 DID YOU SAY YOU WERE HERE IN THIS COUNTRY FROM
16 APPROXIMATELY NOVEMBER 30 TO APPROXIMATELY DECEMBER 15TH?

17 A YES.

18 Q AND DURING THAT PERIOD OF TIME, DID YOU MEET ON A NUMBER OF
19 OCCASIONS WITH D.E.A. PEOPLE TO TALK ABOUT WHAT YOUR KNOWLEDGE
20 WAS IN CONNECTION WITH THE KIDNAPPING?

21 A WELL, JUST THE TIME WHEN I TOLD YOU ABOUT, WHEN I TOLD THEM
22 THE LAST THINGS THAT I KNEW. I DIDN'T HAVE ANY MORE MEETINGS
23 WITH THEM AFTER THAT.

24 Q WELL, YOU TOLD US ABOUT THE MEETINGS THROUGH NOVEMBER 30
25 AND YOUR GRAND JURY TESTIMONY OF NOVEMBER 30. AND I'D LIKE TO

1 KNOW WHAT YOU DID IN THIS COUNTRY BETWEEN NOVEMBER 30 AND THE
2 MIDDLE OF DECEMBER, WHEN YOU WENT BACK TO MEXICO.

3 A I DON'T UNDERSTAND THE QUESTION.

4 Q AFTER YOU TESTIFIED BEFORE THE GRAND JURY, SIR, YOU STAYED
5 IN THIS COUNTRY TWO MORE WEEKS BEFORE RETURNING TO MEXICO?

6 A MORE OR LESS. I'M NOT SURE WHETHER IT WAS TWO WEEKS.

7 Q DID YOU HAVE ANY CONTACT DURING THOSE TWO WEEKS WITH ANY
8 REPRESENTATIVES OF THE D.E.A.?

9 A NO.

10 Q WHAT DID YOU DO HERE THOSE TWO WEEKS?

11 A I WAS WAITING AT THE HOTEL, WAITING TO SEE WHAT WOULD
12 HAPPEN.

13 Q DID YOU SEE MR. BUSTAMANTE, GARATE BUSTAMANTE?

14 A I DID NOT SEE HIM AGAIN.

15 Q ARE YOU SAYING, THEN, YOU JUST SAT IN THE HOTEL FOR THOSE
16 TWO WEEKS AND DIDN'T SEE ANYBODY?

17 A WELL, I WAS AT THE HOTEL. I DIDN'T SEE ANYBODY, JUST MY
18 FAMILY.

19 Q OH, SO YOU WERE HERE WITH YOUR FAMILY UNTIL THE MIDDLE OF
20 DECEMBER; IS THAT CORRECT?

21 A I ARRIVED HERE ON DECEMBER 20TH WITH MY FAMILY.

22 Q SIR, WHEN YOU CAME HERE NOVEMBER 30TH TO TESTIFY BEFORE THE
23 GRAND JURY, WAS YOUR FAMILY WITH YOU?

24 A NO.

25 Q AFTER YOU TESTIFIED BEFORE THE GRAND JURY, DID YOU RETURN

1 TO MEXICO WITHIN A FEW DAYS OF WHEN YOU TESTIFIED?

2 THE INTERPRETER: I NEED TO ASK THE WITNESS TO REPEAT
3 THAT. (CONFERS WITH WITNESS.)

4 THE WITNESS: MY FATHER PASSED AWAY. I HAD TO GO
5 BACK.

6 BY MR. MEDVENE:

7 Q SO YOU WENT BACK TO MEXICO AND YOU STAYED THERE AND CAME
8 BACK WITH YOUR FAMILY AROUND DECEMBER 20TH; IS THAT CORRECT?

9 A APPROXIMATELY, YES.

10 Q NOW, IN DECEMBER, YOU WERE PAID ANOTHER \$8500.00 FOR YOUR
11 COOPERATION; ISN'T THAT CORRECT?

12 A YES, THAT IS TRUE.

13 Q AND YOU WERE TOLD AS LONG AS YOU WERE HELPFUL, YOU'D KEEP
14 GETTING PAID; ISN'T THAT CORRECT?

15 A NO. I WAS TOLD FROM THE BEGINNING THAT IF I COOPERATED AND
16 I SAID WHAT I KNEW, I WAS GOING TO HAVE A MONTHLY SALARY.

17 Q BUT IN DECEMBER, YOU GOT \$8500.00?

18 A YES. I HAD THE EXPENSES OF MY FATHER AND I ALSO HAD
19 EXPENSES HERE, IN ORDER TO FIND A PLACE TO LIVE.

20 Q NOW, YOU WERE TOLD, WHEN YOU GOT THIS MONEY, THAT THE
21 D.E.A. WANTED MORE INFORMATION, WANTED YOU TO REMEMBER MORE
22 ABOUT WHAT HAPPENED; ISN'T THAT TRUE?

23 A NO. THAT IS NOT TRUE. THAT WAS FOR THREE MONTHS. I GOT
24 TWO MONTHS' ADVANCE.

25 Q BUT AS TIME WENT ON, IT IS TRUE THAT AS YOU GOT MORE AND

1 MORE MONEY, YOU GAVE MORE AND MORE INFORMATION; ISN'T THAT
2 TRUE?

3 A NO, THAT IS NOT TRUE.

4 Q YOU DID GIVE MORE INFORMATION, DID YOU NOT?

5 A ONLY WHAT I KNEW --

6 Q (SIMULTANEOUS WITH TESTIMONY:) THERE'S THINGS YOU KNEW IN
7 JANUARY, BUT --

8 THE COURT: JUST A MOMENT. WAIT FOR THE ANSWER.

9 THE WITNESS: -- THAT WAS THE ONLY THING THAT I COULD
10 SAY.

11 BY MR. MEDVENE:

12 Q YOU KNEW THINGS IN JANUARY THAT YOU DIDN'T KNOW IN
13 NOVEMBER, SIR?

14 A NO. I KNEW EVERYTHING; IT'S JUST THAT I DIDN'T MENTION
15 CERTAIN PEOPLE, SUCH AS JAVIER GARCIA PANIAGUA, BECAUSE OF THE
16 DANGER THAT I WAS IN.

17 Q BUT YOU MENTIONED MR. --

18 THE COURT: JUST A MOMENT. WE'RE GOING TO TAKE OUR
19 AFTERNOON RECESS AT THIS TIME.

20 THE CLERK: PLEASE RISE.

21 (BRIEF RECESS.)
22
23
24
25

1 (JURY PRESENT.)

2 THE COURT: DO YOU HAVE ANY FURTHER QUESTIONS FOR
3 THIS WITNESS?

4 MR. MEDVENE: YES, YOUR HONOR.
5

6 CROSS-EXAMINATION + CONTINUED

7 BY MR. MEDVENE:

8 Q. YOU TESTIFIED IMMEDIATELY BEFORE THE BREAK, MR. CERVANTES,
9 ABOUT -- YOU DIDN'T FURNISH THE GRAND JURY IN NOVEMBER
10 INFORMATION ABOUT THE OCTOBER MEETINGS BECAUSE YOU WERE
11 CONCERNED ABOUT PANIAGUA; IS THAT CORRECT, SIR?

12 A. YES.

13 Q. ISN'T IT TRUE, SIR, THAT YOU TESTIFIED BEFORE THE GRAND
14 JURY ON JANUARY 17 OF 1990 ABOUT AN OCTOBER PREWEDDING MEETING
15 AND DO NOT MENTION MR. PANIAGUA?

16 A. I HAD ALREADY MENTIONED HIM.

17 Q. I'M SORRY, SIR.

18 ISN'T IT TRUE THAT YOU TESTIFIED BEFORE THE GRAND
19 JURY THAT THERE WAS AN OCTOBER MEETING PRIOR TO THE WEDDING
20 WHERE THE KIDNAPPING OF MR. CAMARENA WAS DISCUSSED AND YOU DID
21 NOT IDENTIFY MR. PANIAGUA AS BEING THERE?

22 A. I DID SAY THAT HE WAS THERE.

23 Q. MR. CERVANTES, I READ YOU FROM THE JANUARY 17, 1990 GRAND
24 JURY TRANSCRIPT AT PAGE 8, STARTING AT LINE 4 THROUGH LINE 11,
25 AND ASK IF YOU WERE ASKED THESE QUESTIONS AND UNDER OATH DID

1 YOU GIVE THESE ANSWERS?

2 "Q. AND THIS MEETING THAT WE'RE ABOUT TO DISCUSS WHERE JAVIER
3 BARBA ALDANA, IBERRA AND MATTA WERE PRESENT, DID THIS MEETING
4 OCCUR THE DAY OF THE WEDDING?"

5 THE WITNESS -- THAT'S YOURSELF, SIR -- "YES."

6 AND AT LINES 9 THROUGH 11, MR. MEDRANO:

7 "Q. DID IT OCCUR BEFORE THE ACTUAL WEDDING ITSELF?

8 "A. YES."

9 AND AT 12 AND 13:

10 "Q. WHAT ROOM OF THE HOUSE DID THE MEETING OCCUR?

11 "A. IN THE LIVING ROOM."

12 WERE YOU ASKED THOSE QUESTIONS AND DID YOU GIVE THOSE
13 ANSWERS?

14 A. YES.

15 Q. AND THIS IS THE MEETING WHERE YOU HAVE TESTIFIED THAT
16 THERE WERE CERTAIN DISCUSSIONS ABOUT THE KIDNAPPING OF
17 MR. CAMARENA; IS THAT CORRECT?

18 A. YES.

19 Q. AND YOU DON'T IDENTIFY MR. PANIAGUA AS BEING AT THAT
20 MEETING BEFORE THE GRAND JURY; ISN'T THAT CORRECT?

21 MR. MEDRANO: HE MISSTATES THE TESTIMONY FO THE
22 WITNESS. HE SAYS THAT THE SECOND MEETING IS WITH MR. PANIAGUA,
23 IT IS NOT THE FIRST.

24 MR. MEDVENE: I'M TALKING ABOUT THE FIRST MEETING
25 YOUR HONOR. THAT'S ALL WE'RE TALKING ABOUT.

1 THE COURT: WELL, THE JURY HAS HEARD THE TESTIMONY OF
2 THIS WITNESS.

3 MR. MEDVENE: YES, YOUR HONOR.

4 THE COURT: I WANT YOU TO STOP PHRASING YOUR
5 QUESTIONS IN TERMS OF WHAT THIS WITNESS HAS TESTIFIED. IF YOU
6 HAVE QUESTIONS TO ASK HIM, JUST ASK THE QUESTIONS. IF YOU HAVE
7 TESTIMONY YOU WANT TO QUESTION HIM ABOUT, JUST READ IT AND THE
8 TESTIMONY WILL SPEAK FOR ITSELF.

9 MR. MEDVENE: YES, SIR.

10 BY MR. MEDVENE:

11 Q. SINCE DO YOU NOT MENTION MR. PANIAGUA AT THE PREWEDDING
12 MEETING, WHY DIDN'T YOU FURNISH THAT INFORMATION TO THE D.E.A.
13 IN NOVEMBER OF 1989 WHEN YOU CAME HERE AND SAID EVERYTHING YOU
14 KNEW?

15 A. I DON'T UNDERSTAND WHAT HE'S SAYING.

16 Q. YOU SAID YOU DID NOT GIVE THE D.E.A. PEOPLE INFORMATION
17 ABOUT THE OCTOBER -- BE AN OCTOBER MEETING BECAUSE OF MR.
18 PANIAGUA.

19 I'M ASKING YOU IF THE MEETING REALLY OCCURRED. SINCE
20 MR. PANIAGUA WAS NOT THERE, AS YOU TESTIFIED, WHY DIDN'T GIVE
21 THAT INFORMATION TO THE D.E.A. PEOPLE IN NOVEMBER OF 1989?

22 THE INTERPRETER: I'M SORRY, YOUR HONOR. THE
23 INTERPRETER NEEDS THAT QUESTION AGAIN.

24 THE COURT: THE QUESTION IS NOT VERY CLEAR, COUNSEL.
25 I HAD TROUBLE FOLLOWING IT.

1 MR. MEDVENE: I'M SORRY, YOUR HONOR.

2 THE COURT: IF I'M NOT MISTAKEN, YOU HAVE COVERED
3 THIS ONCE ALREADY WITH THIS WITNESS BEFORE THE BREAK.

4 MR. MEDVENE: I DON'T BELIEVE SO, SIR. I BELIEVE THE
5 WITNESS STATED AT THE BREAK, YOUR HONOR, THAT HE DIDN'T GIVE
6 THIS INFORMATION BECAUSE OF MR. PANIAGUA.

7 THE COURT: THAT IS CORRECT.

8 MR. MEDVENE: I'M TRYING TO ESTABLISH SINCE HE WASN'T
9 THERE, I'M TRYING TO FIND OUT WHY HE DIDN'T GIVE THE
10 INFORMATION.

11 THE COURT: WHY HE DIDN'T TELL THEM HE WASN'T THERE?

12 MR. MEDVENE: NO. SINCE HE WASN'T THERE, WHY DIDN'T
13 HE GIVE THIS INFORMATION TO THE D.E.A. ON NOVEMBER 30 WHEN HE
14 MET WITH HIM.

15 THE COURT: WHAT INFORMATION?

16 MR. MEDVENE: THE INFORMATION ABOUT THIS ALLEGED
17 MEETING WHETHER THERE WAS DISCUSSION OF KIDNAPPING.

18 THE COURT: YOU COVERED THAT WITH THIS WITNESS;
19 DIDN'T YOU?

20 THAT'S WHAT WE HAVE BEEN BELABORING CONSIDERABLY.

21 MR. MEDVENE: LET ME MOVE ON AND TRY TO APPROACH IT A
22 DIFFERENT WAY, YOUR HONOR.

23 THE COURT: ALL RIGHT.

24 BY MR. MEDVENE:

25 Q. YOU DID GIVE INFORMATION ABOUT MR. ZUNO AND THE KIDNAPPING

1 WHEN YOU TESTIFIED JANUARY -- EXCUSE ME, WHEN YOU TESTIFIED
2 NOVEMBER 30 BEFORE THE GRAND JURY; IS THAT CORRECT?

3 A. YES.

4 Q. IF YOU GAVE INFORMATION ABOUT IT, WHY DIDN'T YOU ALSO TELL
5 THE AGENTS AT THAT TIME ABOUT HIS PARTICIPATION IN THE OCTOBER
6 MEETING IF THERE REALLY WAS SUCH A MEETING?

7 MR. MEDRANO: OBJECTION; AMBIGUOUS AS TO WHICH
8 MEETING IS BEING REFERRED TO.

9 THE COURT: DOES THE WITNESS UNDERSTAND THE QUESTION?

10 THE WITNESS: NO.

11 BY MR. MEDVENE:

12 Q. YOU DIDN'T TELL THE D.E.A. REPRESENTATIVES IN NOVEMBER OF
13 1989 THAT MR. ZUNO ATTENDED ANY MEETING IN OCTOBER OF '84 WHERE
14 THE KIDNAPPING OF MR. CAMARENA WAS ALLEGEDLY DISCUSSED; IS THAT
15 CORRECT, SIR?

16 A. I DID TALK TO THEM ABOUT THIS MAN, DON RUBEN. I DON'T
17 KNOW.

18 Q. YOU DID NOT CLAIM IN NOVEMBER OF '89 THAT MR. ZUNO
19 ATTENDED ANY OCTOBER MEETING WHERE THE KIDNAPPING OF MR.
20 CAMARENA WAS DISCUSSED; ISN'T THAT CORRECT?

21 MR. MEDRANO: ASKED AND ANSWERED AND COVERED, YOUR
22 HONOR.

23 THE COURT: SUSTAINED.

24 BY MR. MEDVENE:

25 Q. NOW, IS IT TRUE, SIR, THAT YOU'RE BEING PAID AT THE RATE

1 OF APPROXIMATELY \$6,000 A MONTH BY THE D.E.A.?

2 A. NO.

3 Q. HAVE YOU RECEIVED SINCE NOVEMBER 24TH IN EXCESS OF
4 \$36,000?

5 A. NO.

6 MR. MEDVENE: EXCUSE ME ONE SECOND, YOUR HONOR.

7 (DISCUSSION HELD OFF THE RECORD BETWEEN COUNSEL.)

8 MR. MEDVENE: MAY I APPROACH THE CLERK, YOUR HONOR,
9 FOR PURPOSES OF MARKING DEFENDANT'S C?

10 THE COURT: YES.

11 (EXHIBIT TENDERED TO THE CLERK TO BE MARKED.)

12 MR. MEDVENE: WOULD YOU PLEASE PLACE THAT IN FRONT
13 OF THE WITNESS.

14 (DOCUMENT TENDERED TO THE WITNESS.)

15 BY MR. MEDVENE:

16 Q. MR. CERVANTEZ, I HAVE PLACED IN FRONT OF YOU WHAT HAS BEEN
17 MARKED AS DEFENDANT'S C AND ASK YOU IF THAT IS A SCHEDULE OF
18 THE MONIES THAT YOU WERE PAID BY THE D.E.A. BETWEEN NOVEMBER
19 24, 1989 AND MAY 4, 1990?

20 THE INTERPRETER: EXCUSE ME, YOUR HONOR. THE LAST
21 DATE?

22 MR. MEDVENE: MAY 4, 1990.

23 MR. MEDRANO: OBJECTION, YOUR HONOR, LACK OF
24 FOUNDATION AS TO WHETHER HE'S EVEN SEEN THIS DOCUMENT.

25 THE COURT: I DON'T KNOW WHAT HE'S GOING TO ASK HIM

1 ABOUT IT.

2 WHAT IS THE PURPOSE OF SHOWING THE WITNESS THE
3 DOCUMENT?

4 MR. MEDVENE: I'M TRYING TO REFRESH HIS RECOLLECTION,
5 YOUR HONOR, AS TO THE AMOUNT OF MONEY HE HAS RECEIVED.

6 WE HAVE GOTTEN THIS DOCUMENT --

7 THE COURT: HE HASN'T INDICATED THAT HIS RECOLLECTION
8 NEEDS REFRESHING. YOU ASKED HIM IF HE HAS RECEIVED \$6,000 A
9 MONTH. NOW, PERHAPS YOU SHOULD ASK HIM WHAT IS THE TOTAL
10 AMOUNT THAT HE HAS RECEIVED?

11 MR. MEDVENE: I BELIEVE I HAD JUST ASKED HIM IF HE
12 HAD RECEIVED APPROXIMATELY \$36,000 AND I BELIEVE HE SAID NO,
13 AND I SHOWED HIM THIS DOCUMENT TO ASK IF THIS REFRESHES HIS
14 RECOLLECTION THAT HE HAS RECEIVED \$36,000 THROUGH MAY 4 OF '90.

15 THE COURT: WHAT IS YOUR QUESTION?

16 MR. MEDVENE: LET ME GO THROUGH IT THEN WITH MR.
17 CERVANTES ONE AT A TIME.

18 THE COURT: JUST A MOMENT. ASK A QUESTION FIRST.

19 MR. MEDVENE: YES, SIR.

20 BY MR. MEDVENE:

21 Q. ON NOVEMBER 24, SIR, DID YOU RECEIVE -- YOU'RE FREE TO
22 LOOK AT THE SCHEDULE IF YOU WANT. DID YOU RECEIVE \$2,000?

23 THE COURT: DO WE NEED TO GO THROUGH THIS? CAN'T YOU
24 STIPULATE TO WHAT HE HAS RECEIVED?

25 MR. MEDVENE: I TRIED, SIR.

1 MR. MEDRANO: YOUR HONOR, WE'LL STIPULATE TO --
2 THAT IS FINE, YOUR HONOR. WE'LL STIPULATE TO THAT.

3 THE COURT: STIPULATE TO WHAT?

4 MR. MEDVENE: THE PARTIES HAVE ENTERED INTO A
5 STIPULATION THAT THIS MAN HAS RECEIVED FROM THE D.E.A. BETWEEN
6 NOVEMBER 24, 1989 AND MAY 4, 1990 \$36,140.

7 MR. MEDRANO: ONE MOMENT, YOUR HONOR.

8 (DISCUSSION HELD OFF THE RECORD BETWEEN COUNSEL.)

9 THE COURT: IS THAT YOUR STIPULATION?

10 MR. MEDRANO: WE WOULD ADD, YOUR HONOR, WE WOULD
11 REQUEST, "FOR EXPENSES AND SECURITY".

12 THE COURT: ALL WE'RE INTERESTED IN IS THE AMOUNT.

13 MR. MEDRANO: VERY WELL.

14 THE COURT: YOU CAN EXPLAIN WHAT IT'S FOR.

15 MR. MEDRANO: VERY WELL. THAT'S FINE. SO
16 STIPULATED.

17 THE COURT: THE JURY WILL ACCEPT THAT.

18 MR. STOLAR: WE WOULD JOIN THE STIPULATION AS TO THE
19 AMOUNT.

20 THE COURT: I ASSUME THAT'S NOT IN DISPUTE.

21 MR. NICOLAYSEN: THAT APPLIES ACROSS THE BOARD FOR
22 ALL COUNSEL.

23 BY MR. MEDVENE:

24 Q. MR. CERVANTES, YOU TESTIFIED YESTERDAY, I BELIEVE, ABOUT A
25 BAPTISM MEETING. DO YOU RECALL THAT, SIR?

1 A. YES.

2 Q. WHEN DID THAT OCCUR?

3 A. IT WAS APPROXIMATELY IN THE MONTH OF SEPTEMBER, 1984.

4 Q. AND APPROXIMATELY WHEN IN SEPTEMBER, SIR?

5 A. THAT MONTH, BUT I DON'T REMEMBER THE EXACT DAY. I KNOW
6 THAT IT IS THAT MONTH.

7 Q. DO YOU RECALL IF IT WAS THE BEGINNING OF THE MONTH OR THE
8 LATTER PART OF THE MONTH?

9 A. THE BEGINNING OF THE MONTH.

10 Q. NOW, THE OCCASION WAS THE BAPTISM OF A CHILD OF YOUR
11 EMPLOYER; IS THAT CORRECT?

12 A. YES.

13 Q. AND THE GODFATHER WAS A RELATIVELY IMPORTANT EVENT IN YOUR
14 MIND; IS THAT CORRECT?

15 STRIKE THAT.

16 WAS THE GODFATHER IMPORTANT TO YOU?

17 MR. MEDRANO: OBJECTION, RELEVANCE.

18 THE COURT: SUSTAINED.

19 BY MR. MEDVENE:

20 Q. WHO WAS THE GODFATHER?

21 A. DON JAVIER GARCIA PANIAGUA.

22 Q. DIDN'T YOU TESTIFY IN FRONT OF THE GRAND JURY THAT THE
23 GODFATHER WAS RAFAEL CARO QUINTERO?

24 MR. MEDRANO: MAY WE HAVE THE DATE, YOUR HONOR?

25 MR. MEDVENE: NOVEMBER 30, 1989.

1 THE WITNESS: THE 30TH OF NOVEMBER '89. WHAT IS HE
2 TALKING ABOUT?

3 THE COURT: COUNSEL, I THINK IT WOULD BE BETTER IF
4 YOU JUST READ THE TESTIMONY. IF HE GAVE THAT TESTIMONY, THEN
5 YOU'LL HAVE THE ANSWER AND YOU WON'T NEED TO WAIT FOR THE
6 WITNESS.

7 MR. MEDVENE: I'LL READ FROM PAGE 26, LINES 6 THROUGH
8 15. I'LL READ LINE 6 THROUGH 9.

9 "AT ANY POINT, MR. CERVANTES, WERE YOU PRESENT AT A
10 BAPTISM PARTY GIVEN FOR A DAUGHTER OF JAVIER BARBA?"

11 THE WITNESS: "YES."

12 LINES 12 THROUGH 15: "AND WHO WAS TO BE THE
13 GODFATHER FOR BARBA'S DAUGHTER?"

14 "THE WITNESS: RAFAEL CARO QUINTERO."

15 WERE YOU IN ERROR YESTERDAY AND TODAY, MR. CERVANTES?

16 A. WELL THERE IS A CONFUSION BECAUSE I SAID THAT RAFAEL CARO
17 QUINTERO WAS THE BEST MAN AT JORGE BARBA HERNANDEZ'S WEDDING.

18 Q. WITH RESPECT TO THE BAPTISM MEETING, IS IT TRUE, MR.
19 CERVANTEZ, THAT YOU DID NOT TELL ANY D.E.A. OR GOVERNMENTAL
20 REPRESENTATIVE IN THE YEAR 1989 THAT THERE WAS A BAPTISM
21 MEETING WHERE THERE WAS DISCUSSION ABOUT THE KIDNAPPING OF A
22 D.E.A. AGENT?

23 MR. MEDRANO: OBJECTION, AMBIGUOUS, COMPOUND
24 QUESTION.

25 THE COURT: I THINK IT HAS BEEN ASKED AND ANSWERED,

1 TOO. YOU'RE GOING BACK TO THE SAME THING HERE IN DIFFERENT
2 WAY. I'M NOT GOING TO PERMIT THAT.

3 BY MR. MEDVENE:

4 Q. IS IT CORRECT, SIR, THAT WHEN YOU TESTIFIED BEFORE THE
5 GRAND JURY ON THREE INDICATIONS, YOU NEVER SAID THAT AT ANY
6 BAPTISM THERE WAS A DISCUSSION ABOUT THE KIDNAPPING OF ENRIQUE
7 CAMARENA?

8 A. LIKE I TOLD YOU A WHILE AGO, I ONLY SAID THAT LATER WHEN I
9 FELT THAT NOTHING WAS GOING TO HAPPEN TO ME AND THAT I WAS
10 GETTING PROTECTION.

11 BEFORE TALKING, I THOUGHT OF MYSELF AND MY FAMILY.

12 Q. IS IT TRUE, SIR, THAT YOU TOLD -- STRIKE THAT.

13 IS IT TRUE, SIR, THAT WHEN YOU SPOKE TO THE D.E.A.
14 REPRESENTATIVES IN JANUARY, YOU DID NOT TELL THEM THAT AT A
15 BAPTISM MEETING, THERE WAS ANY DISCUSSION ABOUT THE KIDNAPPING
16 OF ENRIQUE CAMARENA?

17 MR. MEDRANO: OBJECTION, ASKED AND ANSWERED.

18 MR. MEDVENE: I DIDN'T ASK THAT QUESTION.

19 THE COURT: YES, YOU HAVE. SUSTAINED.

20 BY MR. MEDVENE:

21 Q. ON JANUARY 2, DID YOU TALK WITH D.E.A. AGENT SALAZAR AND
22 BERRELLEZ?

23 THE COURT: THAT HAS BEEN ASKED AND ANSWERED A NUMBER
24 OF TIMES.

25 MR. MEDVENE: NOT THIS QUESTION, YOUR HONOR.

1 THE COURT: WELL, DID HE TALK TO THEM; THAT HAS BEEN
2 ASKED AND ANSWERED.

3 MR. MEDVENE: YES, SIR.

4 BY MR. MEDVENE:

5 Q. ON THE OCCASION THAT YOU SPOKE TO AGENTS SALAZAR AND
6 BERRELLEZ ON JANUARY 2, 1990, IS IT TRUE THAT YOU IDENTIFIED
7 SOME MEETING DIFFERENT THAN THE BAPTISM MEETING AS THE FIRST
8 TIME YOU WERE AWARE OF ANY DISCUSSION ABOUT THE KIDNAPPING OF
9 MR. CAMARENA?

10 MR. MEDRANO: OBJECTION, AMBIGUOUS.

11 THE COURT: SUSTAINED.

12 BY MR. MEDVENE:

13 Q. ON JANUARY 2 OF 1990 WHEN YOU SPOKE TO THE D.E.A. AGENTS,
14 DID YOU TELL THEM WHAT MEETINGS YOU BELIEVED MR. ZUNO ATTENDED
15 WHERE THERE WAS DISCUSSION OF THE KIDNAPPING OF ENRIQUE
16 CAMARENA?

17 A. EXCUSE ME?

18 MR. MEDVENE: MAY I HAVE THE QUESTION REREAD OR DO
19 YOU WANT ME TO RESTATE IT, YOUR HONOR?

20 THE COURT: RESTATE THE QUESTION. BUT I THINK IF YOU
21 WOULD JUST -- YOU CAN SHORTEN IT IF YOU ASK THE WITNESS IF HE
22 TOLD THE AGENTS ON JANUARY 2 --

23 MR. MEDVENE: YES, SIR.

24 THE COURT: -- ABOUT ALL MEETINGS THAT HE KNEW ABOUT
25 THAT MR. ZUNO ATTENDED; IS THAT WHAT YOU'RE ASKING?

1 MR. MEDVENE: YES, SIR.

2 BY MR. MEDVENE:

3 Q. DID YOU TELL THE AGENTS ON JANUARY 2 ALL MEETINGS YOU
4 CLAIMED MR. ZUNO ATTENDED HAVING TO DO WITH THE KIDNAPPING OF
5 MR. CAMARENA?

6 A. IT WAS AROUND THAT TIME. I'M NOT SURE OF THE DATE, BUT IT
7 WAS IN THE BEGINNING OF JANUARY.

8 THE COURT: THE QUESTION IS DID YOU TELL THEM OF ALL
9 OF THE MEETINGS THAT YOU KNEW ABOUT.

10 THE WITNESS: YES. YES, I DID TELL THEM.

11 BY MR. MEDVENE:

12 Q. AND IS IT TRUE THAT AT THAT TIME YOU DID NOT MENTION THIS
13 ALLEGED SEPTEMBER 30 BAPTISM AS THE TIME WHEN THE KIDNAPPING
14 WAS DISCUSSED?

15 MR. MEDRANO: MISSTATES THE EVIDENCE, YOUR HONOR.
16 THERE IS NO SEPTEMBER 30 BAPTISM.

17 THE COURT: WELL, HE SAID IT WAS IN SEPTEMBER.

18 MR. MEDVENE: SEPTEMBER. LET ME RESTATE THE
19 QUESTION.

20 THE COURT: ARE YOU ASKING THE WITNESS IF AT THAT
21 TIME HE TOLD THE AGENTS ABOUT THIS SEPTEMBER MEETING?

22 MR. MEDVENE: I'M ASKING IF IT'S TRUE HE DID NOT
23 MENTION THIS MEETING TO THE AGENTS.

24 THE WITNESS: I MENTIONED THE BAPTISM AND I MENTIONED
25 THE WEDDING.

1 BY MR. MEDVENE:

2 Q. IS IT TRUE THAT YOU DID NOT SAY AT THE BAPTISM THERE WAS
3 ANY DISCUSSION ABOUT THE KIDNAPPING?

4 A. I SAID THAT THE FIRST TIME THAT I HEARD THAT THEY WANTED
5 TO ATTACK A D.E.A. AGENT WAS IN THE MEETING OF THE BAPTISM.
6 THAT WAS THE FIRST TIME.

7 Q. ISN'T IT TRUE, SIR, THAT WHAT YOU TOLD THEM WAS THE FIRST
8 TIME WAS A MEETING IN OCTOBER THAT HAD NOTHING TO DO WITH THE
9 BAPTISM?

10 A. I MENTIONED THE BAPTISM TO THEM AND THE WEDDING.

11 Q. ISN'T IT TRUE, SIR, THAT IN THE MEETING YOU TOLD THEM THE
12 FIRST MEETING WHERE THERE WAS ANY DISCUSSION OF THE CAMARENA
13 KIDNAPPING WAS IN OCTOBER?

14 MR. MEDRANO: ASKED AND ANSWERED, YOUR HONOR.

15 THE COURT: SUSTAINED.

16 BY MR. MEDVENE:

17 Q. ISN'T IT TRUE THAT YOU DID NOT TELL THE AGENTS IN YOUR
18 MEETING WITH THEM JANUARY 2ND THAT AT A BAPTISM MEETING IN
19 SEPTEMBER, THE KIDNAPPING WAS DISCUSSED?

20 MR. MEDRANO: SAME OBJECTION, YOUR HONOR.

21 THE COURT: SUSTAINED.

22 BY MR. MEDVENE:

23 Q. ONE LAST QUESTION IN THIS AREA. I DON'T WANT TO
24 TRANSGRESS YOUR RULING, SO I DON'T MEAN TO RESTATE, AND I
25 APOLOGIZE IF I DO.

1 DID YOU TELL THE AGENTS -- STRIKE THAT.

2 YOU HAVE TOLD US ALREADY THAT YOU HAVE LISTED THE
3 MEETINGS WHERE THE KIDNAPPING WAS DISCUSSED. AND I ASK YOU,
4 SIR, DID YOU LIST THE BAPTISM MEETING AS A MEETING WHERE THE
5 KIDNAPPING WAS DISCUSSED WHEN YOU SPOKE TO AGENT BERRELLEZ?

6 MR. MEDRANO: SAME OBJECTION, YOUR HONOR.

7 THE COURT: SUSTAINED. I THINK THAT HAS BEEN
8 COVERED.

9 BY MR. MEDVENE:

10 Q. WITH REFERENCE TO THE FEBRUARY '85 MEETING, SIR, YOU
11 TESTIFIED THIS MORNING ABOUT CERTAIN THINGS THAT WERE SAID BY
12 CARO QUINTERO. DO YOU REMEMBER THAT?

13 A. YES.

14 Q. AND YOU MENTIONED THAT CARO QUINTERO SAID THAT A D.E.A.
15 AGENT SHOULD BE KIDNAPPED; IS THAT CORRECT?

16 A. YES.

17 Q. AND YOU SAID THAT MR. ZUNO AGREED WITH HIM, CORRECT?

18 A. YES.

19 Q. ISN'T IT TRUE, SIR, THAT CARO QUINTERO DID NOT MENTION
20 KIDNAPPING A D.E.A. AGENT, BUT SAID THAT JOHN GAVIN, THE U.S.
21 AMBASSADOR TO MEXICO SHOULD BE KIDNAPPED?

22 A. YES. I SAID I SAID THAT, YES.

23 Q. YOU SAID WHAT?

24 A. THAT WHEN THERE WAS THE MEETING WITH RUBEN ZUNO ARCE AND
25 RAFAEL CARO QUINTERO AND ERNESTO FONSECA CARRILLO AND ATTORNEY

1 JAVIER BARBA HERNANDEZ, RAFAEL CARO QUINTERO WANTED THE D.E.A.
2 AGENT, BUT DON RUBEN SAID THAT THE AMBASSADOR WAS -- COULD
3 BECOME A PROBLEM, AND THAT HE SHOULD BE PICKED UP.

4 AND THE ATTORNEY, JAVIER BARBA, SAID THAT NO, THAT
5 THAT WAS VERY DANGEROUS BECAUSE IT WAS THE AMBASSADOR.

6 Q. ISN'T IT TRUE THAT CARO QUINTERO SAID NOTHING ABOUT
7 PICKING UP A D.E.A. AGENT, BUT ONLY REFERRED TO PICKING UP MR.
8 GAVIN, THE U.S. AMBASSADOR, AND KIDNAPPING HIM?

9 A. THEY HAD TALKED ABOUT THE D.E.A. AGENT AND THAT THEY
10 WANTED GAVIN AND THEY DIDN'T KNOW WHO THE D.E.A. AGENT WAS,
11 JUST THAT HE WAS A D.E.A. AGENT.

12 Q. IF THE COURT PLEASE, I'LL READ FROM NOVEMBER 30, 1989 PAGE
13 9, LINES 7 THROUGH 14.

14 "MR. MEDRANO: LET ME START OVER AGAIN. TELL ME
15 AGAIN WHAT IT WAS THAT CARO QUINTERO SAID TO THE GROUP."

16 "THE WITNESS: THAT HE WANTED TO GO PICK UP JOHN
17 GAVIN."

18 "THAT IS JOHN GAVIN AT THAT TIME THE U.S. AMBASSADOR
19 TO MEXICO?"

20 "THE WITNESS: YES."

21 BY MR. MEDVENE:

22 Q. NOW, MR. -- ISN'T IT CORRECT THAT NOT MR. ZUNO, BUT
23 MR. JAVIER BARBA HERNANDEZ THEN SAID IT WAS TOO DANGEROUS TO
24 PICK UP MR. GAVIN?

25 A. MR. ZUNO ARCE SAID THAT, YES, THEY WANTED TO PICK UP THAT

1 MAN, THE AMBASSADOR, AND ATTORNEY JAVIER BARBA SAID THAT, NO,
2 THAT IT WAS VERY DANGEROUS.

3 Q. YOU'RE SAYING ZUNO ARCE SAID TO PICK UP MR. GAVIN?

4 A. YES.

5 Q. ISN'T IT TRUE THAT YOU SAID BEFORE THE GRAND JURY THAT
6 MR. ZUNO ARCE DIDN'T WANT TO PICK UP MR. GAVIN?

7 A. I HAVE ALWAYS SAID THAT HE WAS THE PERSON WHO MENTIONED
8 AMBASSADOR GAVIN.

9 Q. THAT MR. ZUNO WAS THE PERSON THAT MENTIONED AMBASSADOR
10 GAVIN?

11 A. YES.

12 Q. DIDN'T YOU JUST HEAR FROM YOUR GRAND JURY THAT YOU SAID
13 THE ONE THAT MENTIONED MR. GAVIN WAS MR. CARO QUINTERO?

14 A. CARO QUINTERO MENTIONED GAVIN, AND ZUNO SAID THAT THEY
15 WANTED TO PICK HIM UP, AND ATTORNEY JAVIER BARBA SAID THAT IT
16 WAS TOO DANGEROUS.

17 Q. ISN'T IT TRUE THAT ACCORDING TO YOUR GRAND JURY TESTIMONY,
18 MR. BARBA SAID IT'S TOO DANGEROUS?

19 A. I ALREADY SAID SO.

20 Q. AND THAT MR. ZUNO ALLEGEDLY AGREED WITH HIM AND DID NOT
21 SAY PICK UP MR. GAVIN?

22 A. HE SAID THAT THAT PERSON WOULD HAVE TO BE PICKED UP.

23 Q. MR. GAVIN?

24 A. YES.

25 Q. LET ME READ TO YOU FROM YOUR GRAND JURY, SIR.

1 ISN'T IT TRUE MR. ZUNO WASN'T AT THIS MEETING, SIR?

2 A. YES, HE WAS AT THAT MEETING.

3 Q. LET ME READ YOU FROM YOUR GRAND JURY OF NOVEMBER 30, 1989.

4 THE COURT: COUNSEL, PREFACE EACH QUESTION BY
5 INDICATING QUESTION AND ANSWER. THAT WILL MAKE A CLEANER
6 RECORD AND I THINK THE JURY WILL UNDERSTAND IT BETTER.

7 MR. MEDVENE: YES, SIR.

8 MR. MEDVENE: IF I MIGHT, SO IT IS IN CONTEXT, READ
9 FROM LINE 6, YOUR HONOR. I READ A FEW LINES BEFORE, BUT SO THE
10 WHOLE THING WILL BE IN CONTEXT FOR THE JURY.

11 THE COURT: ARE YOU STARTING WITH A QUESTION?

12 MR. MEDVENE: YES, SIR.

13 MR. MEDRANO: PAGE NUMBER, YOUR HONOR.

14 MR. MEDVENE: PAGE 10.

15 EXCUSE ME. LET ME GO BACK TO PAGE 9 TO GET IT BACK
16 IN CONTEXT, LINES -- FIRST LINE 7 THROUGH 16.

17 "Q. LET ME START OVER AGAIN. TELL ME AGAIN WHAT IT WAS THAT
18 CARO QUINTERO SAID TO THE GROUP."

19 THE WITNESS --

20 THE COURT: ANSWER.

21 MR. MEDVENE: I'M SORRY.

22 "A. THAT HE WANTED TO GO PICK UP JOHN GAVIN.

23 "Q. THAT IS JOHN GAVIN, AT THAT TIME THE UNITED STATES
24 AMBASSADOR TO MEXICO?

25 "A. YES.

1 "Q. WHAT ELSE WAS SAID?

2 "A. THAT IT WOULD BE EASIER TO PICK UP SOMEBODY FROM THE
3 D.E.A. TO TALK TO.

4 "Q. AND THIS WAS --

5 "A. AND THEN POSSIBLY HE'D BE WILLING TO MAKE SOME SORT OF
6 ARRANGEMENT.

7 NOW, LINE 2 ON PAGE 10.

8 "Q. WHO WAS IT THAT SAID THIS?

9 "A. JAVIER BARBA.

10 "Q. WHAT ELSE WAS SAID BY ANYONE AT THIS MEETING?

11 "A. RUBEN ZUNO-ARCE SAID TO GO AHEAD WITH WHAT JAVIER BARBA
12 HAD SAID ABOUT PICKING SOMEBODY UP FROM THE D.E.A.

13 AND THEN RUBEN ZUNO ARCE TOLD JAVIER IT WOULD BE A
14 GOOD IDEA TO FIND OUT WHAT GENERAL GARDOQUI KNEW ABOUT WHAT WAS
15 GOING ON."

16 DOES THAT REFRESH YOU, SIR, THAT MR. ZUNO SAID
17 NOTHING ABOUT PICKING UP MR. GAVIN?

18 A. I DID SAY IT. I DID -- IF THEY DIDN'T TAKE IT DOWN, I
19 DON'T KNOW WHY. I DID SAY THAT MR. ZUNO WAS IN AGREEMENT WITH
20 PICKING UP THE AMBASSADOR.

21 Q. SIR, YOU SPOKE EARLIER TODAY ABOUT CREDENTIALS AND TWO
22 ALLEGED MEETINGS INVOLVING MR. ZUNO AND CREDENTIALS.

23 DO YOU RECALL THAT, SIR?

24 A. YES.

25 Q. AT THE FIRST MEETING, AS TO THE FIRST MEETING, YOU

1 ALLEGED MEETINGS INVOLVING MR. ZUNO AND CREDENTIALS.

2 DO YOU RECALL THAT, SIR?

3 A. YES.

4 Q. AT THE FIRST MEETING, AS TO THE FIRST MEETING, YOU
5 TESTIFIED THIS MORNING, DID YOU NOT, SIR, THAT THERE WERE FIVE
6 CREDENTIALS; IS THAT CORRECT?

7 A. YES.

8 MR. MEDVENE: I READ FROM THE GRAND JURY, YOUR HONOR,
9 PAGE 17, LINES 5 THROUGH 7.

10 "Q. AND THERE WERE ABOUT 6 OF THEM, YOU SAID?

11 "A. 6."

12 THE WITNESS: YES.

13 BY MR. MEDVENE:

14 Q. YOU SAID THIS MORNING THAT THE CREDENTIALS WERE D.F.S.
15 CREDENTIALS; IS THAT CORRECT?

16 A. YES.

17 Q. THE SECRETARIO DE GOBERNACION, G O B E R N A C I O N, IS
18 DIFFERENT -- I APOLOGIZE FOR HOW I PRONOUNCED IT -- BUT THAT'S
19 DIFFERENT THAN THE D.F.S.; IS IT NOT, SIR?

20 A. YES, I KNOW THAT IT'S DIFFERENT. THE DEPARTMENT OF THE
21 INTERIOR PAID THE D.F.S. WHILE IT WAS IN EXISTENCE.

22 Q. SO YOU SAID THIS MORNING THAT IT WAS, AND I READ FROM THE
23 GRAND JURY, YOUR HONOR, PAGE 17, LINES 8 THROUGH 14:

24 "Q. WHY DON'T YOU TELL ME WHAT KIND OF CREDENTIAL IT WAS, IF
25 YOU RECALL?"

1 "A. IT HAS AN AMERICAN FLAG ON IT AND A SEAL FROM THE
2 SECRETARIA --"

3 MR. MEDRANO: OBJECTION, YOUR HONOR. IT IS A MEXICAN
4 FLAG, NOT AN AMERICAN FLAG.

5 MR. MEDVENE: MEXICAN FLAG.

6 THE COURT: READ THE ANSWER AGAIN.

7 MR. MEDVENE: I'M SORRY.

8 "IT HAD A MEXICAN FLAG ON IT AND A SEAL
9 FROM THE SECRETARIA, S E C R E T A R I A, DE
10 GOBERNACION, G O B E R N A C I O N, WHICH IS ROUGHLY
11 THE EQUIVALENT OF THE DEPARTMENT OF THE INTERIOR IN
12 THE UNITED STATES."

13 YOU TESTIFIED, SIR, THIS MORNING, DID YOU NOT, THAT
14 YOU SAW ALL OF THE PICTURES; IS THAT CORRECT?

15 A. YES.

16 Q. I READ FROM THE GRAND JURY AT PAGE 18, LINES 7 THROUGH 14.
17 EXCUSE ME, 9 THROUGH 14.

18 "Q. YOU SAW THESE CREDENTIALS. WERE THERE PHOTOGRAPHS IN EACH
19 ONE?

20 "A. I JUST SAW FOUR OF THEM.

21 "Q. AND WERE THERE PHOTOGRAPHS IN THOSE FOUR YOU OBSERVED?

22 "A. YES."

23 BY MR. MEDVENE:

24 Q. DID YOU ALSO TESTIFY THIS MORNING, SIR, WITH RESPECT TO
25 THE CREDENTIALS, THAT MR. ZUNO CAME IN WITH TWO PEOPLE WITH

1 HIM?

2 A. YES. THERE WERE TWO PEOPLE DRESSED IN -- AS MILITARY MEN.

3 Q. I READ FROM THE GRAND JURY ON PAGE 16, LINES 4 THROUGH 9.

4 "WELL, DID HE GET THERE IN HIS OWN CAR?"

5 THE COURT: THE QUESTION.

6 MR. MEDVENE: I'M SORRY. QUESTION:

7 "Q. WELL, DID HE GET THERE IN HIS OWN CAR?"

8 "A. IT WAS A WHITE MARQUIS, AND THERE WAS A MILITARY OFFICER
9 WITH HIM. HIS DRIVER WAS -- HE DIDN'T HAVE HIS BODYGUARD WITH
10 HIM, HE HAD AN OFFICER THERE WITH HIM, A SOLDIER."

11 BY MR. MEDVENE:

12 Q. NOW, IF WE CAN GO TO THE SECOND CREDENTIAL, YOU --

13 THE COURT: YOU'RE REFERRING TO THE SECOND MEETING?

14 BY MR. MEDVENE:

15 Q. I'M SORRY. I'M REFERRING TO THE SECOND MEETING WHERE HE
16 TALKED ABOUT CREDENTIALS AND, ALLEGEDLY,
17 MR. ZUNO BRINGING THEM TO MR. JAVIER BARBA HERNANDEZ.

18 DO YOU REMEMBER THAT, SIR?

19 A. YES.

20 Q. YOU TESTIFIED TODAY THAT MR. ZUNO PERSONALLY GAVE THE
21 CREDENTIAL TO MR. JAVIER BARBA HERNANDEZ; IS THAT CORRECT?

22 A. YES.

23 Q. DIDN'T YOU TESTIFY -- I'M SORRY, YOUR HONOR.

24 DIDN'T YOU TELL THE D.E.A. AGENTS ON NOVEMBER 30 THAT
25 HE DID NOT PERSONALLY HAND IT, BUT GOT -- SOMEBODY NAMED DAVID

1 GAVE IT TO MR. BARBA HERNANDEZ?

2 A. NO. I HAVE ALWAYS SAID THAT THE CREDENTIALS WERE GIVEN
3 PERSONALLY BY MR. ZUNO TO ATTORNEY BARBA.

4 Q. DID YOU SAY TODAY THAT THE CREDENTIAL THAT WAS GIVEN TO
5 MR. JAVIER BARBA HERNANDEZ ALLEGEDLY HAD A PICTURE ON IT OF HIS
6 BROTHER, JORGE?

7 A. YES.

8 Q. ISN'T IT TRUE YOU TESTIFIED UNDER OATH THAT THE PICTURE
9 WAS NOT JORGE, BUT IT WAS A PICTURE OF JAVIER BARBA HERNANDEZ
10 HIMSELF?

11 MR. MEDRANO: WHAT GRAND JURY APPEARANCE, YOUR HONOR?

12 THE COURT: YES. READ THE QUESTION.

13 MR. MEDVENE: YES, SIR. NOVEMBER 30, PAGE 25 LINE 18
14 THROUGH PAGE 26 LINE 1.

15 "Q. AND WAS MR. ZUNO GIVING THIS IDENTIFICATION OR CREDENTIAL
16 TO JAVIER BARBA?

17 "A. YES.

18 "Q. AND DID YOU ACTUALLY SEE THE CREDENTIAL YOURSELF?

19 "A. YES.

20 "Q. WHOSE PHOTO WAS DEPICTED IN THIS CREDENTIAL?

21 "A. JAVIER BARBA."

22 THE WITNESS: NO. I SAID JORGE BARBA HERNANDEZ.

23 BY MR. MEDVENE:

24 Q. NOW, IS IT YOUR TESTIMONY, SIR, THAT THERE WERE A TOTAL OF
25 THREE MEETINGS WHERE YOU CLAIM MR. ZUNO WAS PRESENT WHEN THE

1 KIDNAPPING OF ENRIQUE CAMARENA WAS DISCUSSED?

2 A. YES.

3 Q. THE FIRST MEETING, THE BAPTISM MEETING, WE HAVE ASKED YOU
4 ABOUT AND YOU HAVE TOLD US YOU HAD NOT.

5 THE COURT: WE HEARD WHAT HE TOLD US.

6 MR. MEDVENE: ALL RIGHT, SIR.

7 BY MR. MEDVENE:

8 Q. ISN'T IT TRUE THAT AT THE OCTOBER WEDDING MEETING OF '84,
9 YOU MENTIONED A MEETING BEFORE THE WEDDING WHERE MR. ZUNO WAS
10 NOT PRESENT; IS THAT CORRECT, SIR?

11 A. THAT IS TRUE.

12 Q. IS IT TRUE, SIR, THAT WHEN YOU SPOKE TO THE D.E.A. AGENTS
13 ON JANUARY 2 OF THIS YEAR, YOU TOLD THEM THERE WAS ONLY ONE
14 OCTOBER WEDDING MEETING?

15 THE COURT: JUST A MINUTE, THAT QUESTION IS NOT
16 CLEAR. YOU TOLD THEM THERE WAS ONLY ONE OCTOBER WEDDING
17 MEETING.

18 WAS THERE MORE THAN ONE WEDDING?

19 MR. MEDVENE: THERE WAS JUST ONE WEDDING.

20 THE COURT: ARE YOU ASKING HIM IF HE TOLD THEM THERE
21 WAS ONLY ONE MEETING IN OCTOBER?

22 MR. MEDVENE: LET ME TRY IT AGAIN, SIR. THANKS.

23 BY MR. MEDVENE:

24 Q. IS IT TRUE THAT WHEN YOU SPOKE TO THE AGENTS ON JANUARY
25 2ND, YOU MADE REFERENCE TO ONLY -- STRIKE THAT.

1 IS IT TRUE THAT YOU MADE REFERENCE TO A MEETING THE
2 LATTER PART OF OCTOBER 1984 DURING THE WEDDING OF JORGE BARBA
3 HERNANDEZ? JUST ONE MEETING?

4 A. TWO.

5 Q. ISN'T IT TRUE WHEN YOU SPOKE TO THE AGENTS, IN DESCRIBING
6 ALL OF THE MEETINGS, YOU TOLD THEM THAT THERE WAS ONLY ONE
7 MEETING HELD DURING THE LATTER PART OF OCTOBER WHILE THE
8 WEDDING OF JAVIER BARBA HERNANDEZ WAS GOING ON?

9 A. I DON'T UNDERSTAND THE QUESTION REALLY.

10 Q. YOU'VE TESTIFIED HERE TODAY THAT ALLEGEDLY THERE WERE TWO
11 MEETINGS THAT OCCURRED AT OR AROUND THE TIME OF THE WEDDING
12 WHERE THE KIDNAPPING WAS DISCUSSED; IS THAT CORRECT?

13 A. YES.

14 Q. YOU'VE TOLD US MR. ZUNO WAS NOT AT ONE OF THOSE MEETINGS,
15 CORRECT?

16 A. THAT'S CORRECT.

17 Q. ISN'T IT TRUE THAT WHEN YOU SPOKE TO THE D.E.A. AGENTS ON
18 JANUARY 2, 1990, YOU ONLY TOLD THEM THERE WAS ONE MEETING
19 DURING THE WEDDING; NOT TWO, BUT ONE, WHERE THE KIDNAPPING WAS
20 DISCUSSED?

21 MR. MEDRANO: OBJECTION; ASKED AND ANSWERED, YOUR
22 HONOR.

23 THE COURT: I'LL PERMIT THE WITNESS TO ANSWER.

24 THE WITNESS: WELL, WHEN I WAS TELLING THEM ABOUT THE
25 WEDDING --

1 MR. MEDVENE: I'M SORRY. I APOLOGIZE.

2 THE WITNESS: -- I WAS ALSO TELLING THEM ABOUT THE
3 BAPTISM. I TOLD THEM ABOUT THOSE TWO THINGS AT THE SAME TIME.

4 THE COURT: ARE YOU SAYING YOU TOLD THEM ABOUT BOTH
5 MEETINGS ON THE DAY OF THE WEDDING?

6 THE WITNESS: NO. I TOLD THEM ON JANUARY 2ND ABOUT
7 THE WEDDING AND THE BAPTISM.

8 THE COURT: SO ON THE DAY OF THE WEDDING, WAS THERE
9 ONE MEETING OR TWO MEETINGS?

10 THE WITNESS: TWO.

11 THE COURT: AND DID YOU TELL AGENTS WHEN YOU TALKED
12 TO THEM ABOUT THE WEDDING THAT THERE WERE TWO MEETINGS?

13 THE WITNESS: YES.

14 MR. MEDVENE: I WANDERED FOR A MINUTE. MAY I HAVE
15 THE LAST --

16 THE COURT: HE SAID YES, HE DID TELL THEM ABOUT BOTH
17 MEETINGS AT THE WEDDING. THAT'S HIS LAST ANSWER.

18 BY MR. MEDVENE:

19 Q. YOU'RE SAYING THAT ON JANUARY 2ND, YOU TOLD THEM ABOUT TWO
20 WEDDING MEETINGS OR ONE WEDDING MEETING?

21 MR. MEDRANO: ASKED AND ANSWERED, YOUR HONOR.

22 THE COURT: HE JUST ANSWERED THAT QUESTION.

23 MR. MEDVENE: I JUST WANTED TO BE SURE, YOUR HONOR,
24 FOR THE RECORD BECAUSE WE HAVE THE D.E.A. REPORT HERE.

25 THE COURT: I WILL HAVE THE ANSWER READ BACK TO YOU,

1 IF YOU WANT. THAT'S WHAT HE SAID.

2 MR. MEDVENE: ALL RIGHT. I APOLOGIZE TO YOUR HONOR.

3 SO WE ARE CLEAR -- I APOLOGIZE SAYING ANYTHING ON THE
4 BAPTISM, YOUR HONOR, BUT HE JUST MADE REFERENCE TO THE BAPTISM.
5 BY MR. MEDVENE:

6 Q. ISN'T IT TRUE THAT YOU NEVER MENTION ANY MEETING ABOUT
7 KIDNAPPING THAT HAPPENED AT A BAPTISM WHEN YOU SPOKE TO THESE
8 AGENTS JANUARY 2ND; ISN'T THAT TRUE?

9 MR. MEDRANO: ASKED AND ANSWERED, YOUR HONOR.

10 THE COURT: IT SEEMS TO ME IT HAS BEEN.

11 MR. MEDVENE: HE JUST RAISED IT.

12 THE COURT: PARDON?

13 MR. MEDVENE: JUST RAISED IT AGAIN AND CLAIMED THAT
14 HE TOLD THE AGENTS. I JUST WANT THE RECORD CLEAR SO THERE IS
15 NO MISSTATEMENT.

16 THE COURT: YOUR QUESTION IS, ON JANUARY 2ND, ISN'T
17 IT TRUE THAT YOU DID NOT MENTION TO THE AGENTS THAT AT ANY
18 BAPTISM MEETING, THERE WAS ANY DISCUSSION OF ANY KIND ABOUT
19 KIDNAPPING MR. CAMARENA?

20 A. AS I JUST TOLD YOU, I MADE THEM AWARE OF BOTH MEETINGS;
21 THE BAPTISM AND THE WEDDING.

22 BY MR. MEDVENE:

23 Q. HOW LONG, MR. CERVANTES, DO YOU UNDERSTAND THAT THE
24 GOVERNMENT IS GOING TO CONTINUE TO PAY YOU AND YOUR FAMILY?

25 A. WELL, WE DON'T HAVE AN AGREEMENT. WE DON'T HAVE AN

1 AGREEMENT. I COULD GO OFF AND EARN MY OWN LIVING.

2 Q. IT IS YOUR UNDERSTANDING THAT THEY'RE GOING TO KEEP PAYING
3 YOU OR THEY'RE GOING TO STOP PAYING YOU AT SOME POINT IN TIME?

4 A. NOTHING HAS BEEN SAID, NOR HAVE I SIGNED ANYTHING TO THE
5 EFFECT THAT THIS MONEY WOULD GO ON FOR THE REST OF MY LIFE.

6 Q. SO, DEPENDING -- -- STRIKE THAT.

7 AS YOU UNDERSTAND IT, IS IT UP TO THE D.E.A. HOW LONG
8 THEY DECIDE TO KEEP PAYING YOU?

9 MR. MEDRANO: OBJECTION; THIS WAS ASKED AND ANSWERED
10 YOUR HONOR.

11 THE COURT: OVERRULED.

12 MR. MEDVENE: I HAVEN'T ASKED THAT.

13 THE WITNESS: WELL, YES, I'M IN THEIR HANDS.

14 BY MR. MEDVENE:

15 Q. AND IT'S UP TO THE D.E.A. AND THEIR VIEW OF OUR
16 COOPERATION TO DETERMINE HOW LONG YOU AND YOUR FAMILY STAY IN
17 THIS COUNTRY; ISN'T THAT TRUE, AS FAR AS YOU UNDERSTAND IT?

18 A. MY COOPERATION IS ALL DONE WITH. I HAVE DONE WHAT I DID.

19 Q. DO YOU HAVE ANYTHING IN WRITING STATING THAT YOU CAN STAY
20 HERE IN THIS COUNTRY?

21 A. NO.

22 Q. SO IT'S UP TO THE D.E.A., AS FAR AS YOU KNOW, WHETHER YOU
23 STAY OR GO; IS THAT TRUE?

24 A. IT DEPENDS ON THE D.E.A. AND IT ALSO DEPENDS ON ME. THEY
25 DON'T TELL ME WHAT TO DO. IF I WANT TO GO, I GO.

1 Q. IF THEY TELL YOU YOU HAVE TO GO, YOU HAVE TO GO; IS THAT
2 CORRECT?

3 A. YES, I WOULD GO. AND THE DAY WHEN THEY NEED ME, I WOULD
4 SAY AGAIN WHAT I TO HAVE SAY.

5 Q. YOU SAID SOME REFERENCE TO GUNS EARLIER. MR. JAVIER BARBA
6 HERNANDEZ AND MR. ZUNO GOING TO SOME HOUSE TO GET GUNS; DO YOU
7 RECALL THAT.

8 MR. MEDRANO: MISSTATES THE DIRECT TESTIMONY, YOUR
9 HONOR.

10 THE COURT: THE JURY CAN DECIDE THAT. THEY HEARD THE
11 TESTIMONY.

12 THE COURT: WHAT IS YOUR QUESTION?

13 BY MR. MEDVENE:

14 Q. MY QUESTION IS WHAT -- STRIKE THAT.

15 YOU HAD INDICATED MR. ZUNO WENT TO SOME HOUSE WITH
16 MR. JAVIER BARBA HERNANDEZ.

17 WHAT HOUSE?

18 A. TO MR. ZUNO'S HOUSE. I DON'T KNOW WHERE HE LIVED, BUT
19 THEY KNEW WHERE TO GO AND THE ATTORNEY TOLD ME THAT THAT IS
20 WHERE THEY WERE GOING.

21 Q. HOW LONG WERE THEY GONE?

22 A. A COUPLE HOURS MORE OR LESS.

23 Q. ISN'T IT TRUE THAT AT THAT TIME MR. ZUNO DID HAVE ANY
24 HOUSE IN GUADALAJARA?

25 A. I DON'T KNOW.

1 A. FIVE TONS.

2 Q. IF IT WAS BURIED UNDER THE GROUND, WOULDN'T IT GET MOLDY
3 OR RUINED?

4 MR. MEDRANO: OBJECTION; CALLS FOR SPECULATION.

5 BY MR. MEDVENE:

6 Q. WELL, HAVE YOU HEARD ABOUT MARIJUANA BEING BURIED UNDER
7 THE GROUND AND DUG OUT AT SOME TIME WHEN YOU WANT TO USE IT, IN
8 YOUR EXPERIENCE?

9 MR. MEDRANO: OBJECTION; RELEVANCY AND COMPOUND, YOUR
10 HONOR.

11 THE COURT: SUSTAINED.

12 BY MR. MEDVENE:

13 Q. WAS THERE ANY DISCUSSION THAT YOU HEARD BETWEEN MR. ZUNO
14 AND MR. JAVIER BARBA HERNANDEZ ABOUT WHY MR. HERNANDEZ WOULD BE
15 ASKED TO GET 25 PEOPLE TO TRAVEL A NUMBER OF HOURS TO MASCOTA
16 TO DIG UP SOME MARIJUANA?

17 MR. MEDRANO: OBJECTION; AMBIGUOUS AND COMPOUND.

18 THE COURT: SUSTAINED.

19 BY MR. MEDVENE:

20 Q. YOU SAID SOMETHING ABOUT SOME ALLEGED CONVERSATION BETWEEN
21 BARBA HERNANDEZ AND MR. ZUNO ABOUT DIGGING UP SOME MARIJUANA;
22 IS THAT CORRECT?

23 A. YES.

24 Q. AND ALLEGEDLY MR. BARBA HERNANDEZ WAS TO FIND 25 PEOPLE
25 THAT WERE GOING TO GO TO MASCOTA AND DIG UP THIS BURIED

1 MARIJUANA; IS THAT WHAT YOU'RE SAYING?

2 A. YES. IT'S LIKE I TOLD YOU A WHILE AGO.

3 Q. WELL, WAS THERE ANY DISCUSSION BETWEEN THEM WHY MR. ZUNO
4 WOULD ASK BARBA HERNANDEZ TO GET 25 PEOPLE IN GUADALAJARA TO
5 TRAVEL FOUR OR FIVE HOURS TO MASCOTA TO DIG UP SOME MARIJUANA?

6 MR. MEDRANO: OBJECTION; ARGUMENT THROUGH THE
7 QUESTION.

8 THE COURT: YES. THAT'S PURELY ARGUMENT. THE
9 QUESTIONS ARE TO ELICIT FACTS.

10 MR. MEDVENE: YES, SIR.

11 BY MR. MEDVENE:

12 Q. HOW LONG DOES IT TAKE IN THE KIND OF TRUCK YOU DESCRIBED
13 TO GET FROM GUADALAJARA TO MESCATA?

14 A. APPROXIMATELY FROM THREE TO FOUR HOURS.

15 Q. AND WHERE DID THESE 25 PEOPLE COME FROM THAT SOMEBODY
16 ROUNDED UP TO GO DIG UP THE MARIJUANA THREE OR FOUR HOURS AWAY?

17 DO YOU KNOW, SIR?

18 MR. MEDRANO: OBJECTION; LACK OF PERSONAL KNOWLEDGE.

19 THE COURT: SUSTAINED.

20 BY MR. MEDVENE:

21 Q. DO YOU HAVE ANY INFORMATION WHERE THEY CAME FROM?

22 A. WHAT PERSONS ARE YOU TALKING ABOUT?

23 Q. YOU CLAIMED THAT IN A CONVERSATION BETWEEN BARBA HERNANDEZ
24 AND ZUNO THAT MR. ZUNO ASKED BARBA HERNANDEZ TO FIND 25 PEOPLE
25 TO TRAVEL FROM GUADALAJARA TO MESCATA TO UNCOVER SOME BURIED

1 A. WHAT PERSONS ARE YOU TALKING ABOUT?

2 Q. YOU CLAIMED THAT IN A CONVERSATION BETWEEN BARBA HERNANDEZ
3 AND ZUNO THAT MR. ZUNO ASKED BARBA HERNANDEZ TO FIND 25 PEOPLE
4 TO TRAVEL FROM GUADALAJARA TO MESCATA TO UNCOVER SOME BURIED
5 MARIJUANA.

6 DO YOU REMEMBER THAT?

7 THE COURT: COUNSEL, HE HAS ALREADY SAID HE REMEMBERS
8 THAT.

9 BY MR. MEDVENE:

10 Q. ALL RIGHT. DO YOU KNOW WHERE THESE PEOPLE CAME FROM?

11 A. FROM OCOTLAN, JALISCO.

12 Q. HOW FAR IS THAT FROM GUADALAJARA?

13 A. ONE HOUR, MORE OR LESS.

14 Q. TOWARD MESCATA OR AWAY FROM MESCATA?

15 A. I DON'T KNOW.

16 Q. SO THE PLAN WAS SOMEBODY WOULD TRAVEL AN HOUR TO GET THESE
17 25 PEOPLE, BRING THEM TO YOU AND YOU WOULD FEED THEM AND THEN
18 THEY WOULD BE TRANSPORTED FOUR HOURS TO MESCATA; IS THAT RIGHT?

19 IS THAT IT, SIR?

20 MR. MEDRANO: COMPOUND, YOUR HONOR.

21 THE COURT: SUSTAINED.

22 BY MR. MEDVENE:

23 Q. WAS THE PLAN TO GET THESE PEOPLE FROM AN HOUR AWAY AND
24 BRING THEM TO THE HOUSE SO YOU COULD FEED THEM?

25 A. NOT TO FEED THEM, BUT TO HAVE THEM THERE, READY, FOR WHEN

1 THE ATTORNEY ORDERED TO GO TO PICK UP THAT MARIJUANA, WHICH WAS
2 STASHED.

3 Q. IT WAS UNDERGROUND, RIGHT, AS FAR AS YOU KNOW?
4 UNDERGROUND?

5 A. YES.

6 Q. SO AT THIS TIME OF CRISIS FOR JAVIER BARBA HERNANDEZ, WHEN
7 HE FINDS OUT HE HAS TO ESCAPE, YOU'RE SAYING THAT HE IS
8 WORRYING ABOUT FINDING 25 MEN TO FIND SOME BURIED MARIJUANA
9 FOUR HOURS AWAY?

10 MR. MEDRANO: OBJECTION; ARGUMENT.

11 THE COURT: SUSTAINED.

12 BY MR. MEDVENE:

13 Q. DID MR. ZUNO SAY WHY HE WAS WORRIED ABOUT THE MARIJUANA IF
14 IT WAS BURIED AND NOBODY COULD FIND IT ANYWAY?

15 A. WELL, THE WHOLE THING BLEW UP. FROM WHAT I HEARD, IT WAS
16 NOT IN DON RUBEN'S INTEREST THAT THOSE FIVE TONS WOULD BE
17 UNCOVERED IN RELATIONSHIP TO CAMARENA'S DEATH, AND THEY NEVER
18 WERE DISCOVERED.

19 Q. WHERE WERE THE FIVE TONS BURIED?

20 THE COURT: JUST A MINUTE.

21 THE WITNESS: THAT WAS THE REASON WHY THEY WANTED IT
22 THAT WAY.

23 BY MR. MEDVENE:

24 Q. HOW BIG AN AREA DO YOU NEED -- I DON'T KNOW MARIJUANA --
25 HOW BIG AN AREA DO YOU NEED TO BURY FIVE TONS?

1 THEY HAVE TO DIG IT UP?

2 DID THEY DISCUSS THAT?

3 MR. MEDRANO: OBJECTION; COMPOUND AND CALLS FOR A
4 CONCLUSION BY THIS WITNESS.

5 THE COURT: SUSTAINED.

6 MR. MEDVENE: CAN WE BREAK FOR THE EVENING, YOUR
7 HONOR?

8 THE COURT: WE'LL TAKE OUR AFTERNOON RECESS.

9 (BRIEF INTERRUPTION.)

10 THE COURT: WHAT IS GOING ON HERE?

11 MR. STOLAR: I ASKED HIM TO ASK THREE QUESTIONS FOR
12 ME, JUDGE.

13 THE COURT: I'M NOT SURE WE HAVE ENOUGH TIME.

14 MR. STOLAR: THEY'RE SIMPLE QUESTIONS.

15 MR. MEDVENE: MAY I ASK THREE QUESTIONS?

16 THE COURT: YES.

17 (COURTROOM LAUGHTER.)

18 BY MR. MEDVENE:

19 Q. WHERE DID JORGE LIVE?

20 A. WHICH JORGE ARE YOU SPEAKING OF?

21 Q. JORGE BARBA HERNANDEZ?

22 A. AVENIDA PRESIDENTE 2240, LOMAS DEL PARRELLO (PHONETIC),
23 GUADALAJARA, JALISCO.

24 Q. WHAT IS THE NAME -- TWO MORE, YOUR HONOR.

25 WHAT IS THE NAME OF HIS WIFE?

1 A. ROSA FIGUEROA TEJEDA. ROSA MARIA FIGUEROA TEJEDA.

2 Q. AND LASTLY. WHERE DID THE WIFE LIVE BEFORE THE WEDDING?

3 A. FRANCISCO MARQUEZ. I DON'T REMEMBER THE NUMBER. THREE
4 BLOCKS AWAY FROM WHERE I'M TALKING ABOUT.

5 MR. MEDVENE: THANK YOU, YOUR HONOR.

6 THE COURT: ALL RIGHT. WE'LL ADJOURN AT THIS TIME.
7 AND REMEMBER, TOMORROW MORNING WE'RE GOING TO START AT 8:30, SO
8 PLEASE BE HERE AND WE'LL ADJOURN AT 1:00 TOMORROW.

9 THE CLERK: PLEASE RISE.

10 (JURY EXCUSED.)

11 THE COURT: DO YOU WISH TO TAKE UP SOMETHING WITH THE
12 COURT?

13 MR. STOLAR: YES, I DO. WITH RESPECT TO SOME 3500
14 MATERIAL FOR THE WITNESS WHO'S CURRENTLY ON THE STAND, THERE
15 WAS SOME TESTIMONY ABOUT A NOVEMBER 23, NOVEMBER 24 INITIAL
16 MEETING WITH THE D.E.A., AND POSSIBLY MR. MEDRANO WAS THERE.

17 WE HAVE NO REPORT OF THAT MEETING, NO 6 ON THAT
18 MEETING, AND I WOULD LIKE TO KNOW IF SUCH A REPORT EXISTS; AND
19 IF NOT, TO HAVE A REPRESENTATION MADE THAT THERE IS NONE, ON
20 THE RECORD.

21 MR. MEDRANO: THERE IS NONE, YOUR HONOR. ALL JENKS
22 ON CERVANTES OF ALL MEETINGS HAS GONE OVER TO THE DEFENSE.

23 MR. STOLAR: SECOND, I SHOULD INDICATE TO THE COURT
24 THAT AFTER LAST NIGHT'S DISCUSSION ABOUT 3500, TWO ADDITIONAL
25 6'S DID APPEAR, AND THEY WERE FAXED TO US AT OUR VARIOUS HOTELS

1 ON CERVANTES OF ALL MEETINGS HAS GONE OVER TO THE DEFENSE.

2 MR. STOLAR: SECOND, I SHOULD INDICATE TO THE COURT
3 THAT AFTER LAST NIGHT'S DISCUSSION ABOUT 3500, TWO ADDITIONAL
4 6'S DID APPEAR, AND THEY WERE FAXED TO US AT OUR VARIOUS HOTELS
5 AND RESIDENCES, INCLUDING ONE THAT DOES GIVE SOME DETAIL WITH
6 RESPECT TO MR. MATTA.

7 AND I WOULD LIKE TO THANK THE GOVERNMENT FOR GIVING
8 THOSE TO US. HOWEVER, ON ONE OF THE 6'S, IT IS A DESCRIPTION
9 OF TEN PHOTOGRAPHS, APPARENTLY SURVEILLANCE PHOTOGRAPHS WITH A
10 NUMBER OF PEOPLE IN THEM, THAT WERE SHOWN TO THIS WITNESS AND
11 VARIOUS IDENTIFICATIONS WERE MADE. FONSECA, CASTEL DEL ORO,
12 ALVAREZ MACHAIN, AND OTHER PEOPLE OF THAT NATURE.

13 MY REQUEST IS THAT THOSE PHOTOGRAPHS, WHICH THIS
14 WITNESS VIEWED TO IDENTIFY VARIOUS PEOPLE, BE PROVIDED TO US
15 FOR INSPECTION SO THAT WE CAN DETERMINE WHETHER OR NOT MR.
16 MATTA OR ANY OF THE OTHER DEFENDANTS' PICTURES ARE CONTAINED IN
17 THOSE PHOTOGRAPHS AND WERE FAILED TO BE IDENTIFIED BY THE
18 WITNESS WHEN THEY WERE SHOWN TO HIM.

19 MR. MEDRANO: I ADVISED MR. STOLAR ALREADY, YOUR
20 HONOR, THAT WE WOULD FIND THOSE PHOTOS AND REVIEW THEM. AND IF
21 THE PHOTO OF ANY OF THE DEFENDANTS IN THIS COURTROOM WERE NOT
22 IN THAT BATCH, THEN THERE IS NO BRADY, AND HENCE, THERE IS NO
23 REASON TO TURN OVER THOSE PHOTOGRAPHS, PARTICULARLY, YOUR
24 HONOR, WHEN THIS INVESTIGATION IS STILL IN EXISTENCE.

25 MR. STOLAR: MY POINT IS I WANT TO --

1 THE COURT: WAIT JUST A MOMENT. YOU SAY THE PHOTOS
2 DO NOT CONTAIN PICTURES OF THE DEFENDANTS? YOU DON'T BELIEVE
3 THOSE SHOULD BE TURNED OVER?

4 MR. MEDRANO: IF THE BATCH OF PHOTOS THAT WERE SHOWN
5 TO CERVANTES -- AND HE'S ABLE TO IDENTIFY MANY PEOPLE, AND MR.
6 STOLAR HAS THE 6, WHICH DESCRIBES THE IDENTIFICATIONS -- AND
7 I'M SAYING THAT IF -- LET'S ASSUME FOR NOW THAT NONE OF THE
8 DEFENDANTS IN THIS COURTROOM WERE IN THE ORIGINAL BATCH OF
9 PHOTOS, THEN, OF COURSE, THERE IS NOT GOING TO BE ANY I.D. OR
10 MISS I.D. OF THEIR CLIENTS.

11 AND HENCE, THERE IS NO BRADY MATERIAL. AND HENCE,
12 THERE IS NO REASON TO TURN OVER THOSE INVESTIGATIVE TYPE
13 PHOTOS, BECAUSE THEY'RE STILL BEING USED IN THE GOVERNMENT'S
14 INVESTIGATION.

15 BUT NOW, IF THERE WERE PHOTOS OF ONE OF THESE
16 DEFENDANTS AND MR. CERVANTES FAILS TO I.D. IT, THEN THAT'S
17 BRADY AND THAT'S WHAT WE SHOULD GO OVER, THAT'S WHAT WE ARE
18 GOING TO DETERMINE TONIGHT.

19 MR. STOLAR: MY POINT IS I BELIEVE THAT THE DEFENSE
20 LAWYERS SHOULD BE THE ONES WHO MAKE THE DETERMINATIONS AS TO WHO
21 IS IN THE PHOTOS, NOT THE GOVERNMENT.

22 MR. MEDRANO: WITH ALL DUE RESPECT, YOUR HONOR, THAT
23 RUNS CONTRARY TO NINTH CIRCUIT LAW AND BRADY OBLIGATIONS. THE
24 GOVERNMENT MAKES THAT INITIAL DECISION.

25 THE COURT: WHAT DO YOU VIEW AS BRADY?

1 MR. STOLAR: IF A PICTURE OF MR. MATTA IS IN ANY ONE
2 OF THOSE TEN PHOTOS -- AND THERE ARE MORE THAN ONE PERSON IN
3 THE PHOTOS, APPARENTLY, ACCORDING AT THE WAY THE 6 IS
4 WRITTEN -- AND IT WAS NOT IDENTIFIED ON FEBRUARY 7 OF 1990 WHEN
5 HE DID THE VIEWING, THEN THAT WOULD CERTAINLY UNDERCUT HIS
6 IN-COURT IDENTIFICATION OF MR. MATTA.

7 MR. MEDRANO: I AGREE. AND THAT IS BRADY, BUT I'M
8 SAYING IF MATTA'S PHOTO IS NOT IN THE BATCH, THEN THERE IS NO
9 REASON TO TURN OVER ANY OF THE BATCH OF PHOTOS, YOUR HONOR, AND
10 WE'LL MAKE THE DETERMINATION TONIGHT WHO'S IN THE PHOTOGRAPHS.
11 AND I'LL BE ABLE TO ADVISE THE COURT TOMORROW.

12 THE COURT: DO THAT AND THEN I'LL DECIDE.

13 MR. STOLAR: FINE. AND THEN THE THIRD --

14 MS. KELLY: YOUR HONOR, I JUST WOULD -- WITH RESPECT
15 TO THAT ISSUE, YOUR HONOR, MY CLIENT -- THERE IS TESTIMONY
16 TODAY THAT MY CLIENT WAS THE BODYGUARD OF ERNESTO FONSECA. AND
17 HIS PICTURE, APPARENTLY, IS CONTAINED IN THE GROUPING, AS WELL
18 AS CASTEL DEL ORO, WHO WAS THE INFORMANT WITH RESPECT TO MY
19 CLIENT.

20 I WOULD RESPECTFULLY REQUEST THE OPPORTUNITY TO
21 REVIEW THE PHOTOGRAPHS, YOUR HONOR, EVEN IF MY CLIENT IS NOT IN
22 THEM.

23 MR. STOLAR: THE THIRD ITEM ON THE 3500 HAS TO DO
24 WITH THE THE INFORMANT PAYMENT RECORD THAT WAS MARKED AS C.

25 THERE HAS BEEN SOME DISCUSSION ABOUT WHAT THE MONEY

1 WAS FOR. AND ON THIS INFORMANT PAYMENT RECORD, WHAT THE MONEY
2 WAS GIVEN OUT FOR HAS BEEN DELETED. NOW, IF IT IS THE USUAL
3 D.E.A. INFORMANT PAYMENT RECORD, THIS WILL PROBABLY SAY "FOR
4 INFORMATION AND EXPENSES", BUT I DON'T KNOW THAT.

5 ALL OF THESE PAYMENTS ARE MADE FOR THE SAME PURPOSE,
6 BUT THE PURPOSE OF THE PAYMENT HAS BEEN DELETED. AND I WOULD
7 ASK THE COURT TO HAVE THAT UNDELETED AND HAVE THAT PROVIDED TO
8 US SO WE KNOW WHAT THE PAYMENTS ARE REPORTED BY THE D.E.A. AS
9 HAVING BEEN GIVEN FOR.

10 THE COURT: I THINK WE HAVE DEALT WITH THIS BEFORE,
11 HAVEN'T WE? I THINK THOSE SHOULD BE UNDELETED.

12 MR. MEDRANO: WELL GIVE THAT TO COUNSEL IMMEDIATELY.

13 MR. STOLAR: THANK YOU. THAT'S ALL I HAVE.

14 MR. BLANCARTE: YOUR HONOR, FOR THE RECORD, DEFENDANT
15 ZUNO JOINS IN THE REQUEST FOR THE PHOTOS.

16 THE COURT: WE'LL DEAL WITH THAT TOMORROW.

17 MR. NICOLAYSEN: ON A SEPARATE MATTER IN CONNECTION
18 WITH AN UPCOMING WITNESS AGAINST JAVIER VASQUEZ VELASCO.

19 THIS AFTERNOON THE GOVERNMENT SERVED ME WITH A
20 COMPILATION OF EXTRACTS OF TAPE RECORDED CONVERSATIONS BETWEEN
21 MY CLIENT AND AGENT REYNOSO INDICATING THAT THIS COMPILATION
22 REPRESENTS WHAT THE GOVERNMENT WOULD LIKE TO INTRODUCE THROUGH
23 THE AGENT PRESUMABLY TOMORROW.

24 NOW, I HAVE RECEIVED THROUGH DISCOVERY SOME MONTHS
25 AGO THE ENTIRETY OF THE TRANSCRIPTS OF THE MEETINGS, BUT I'M

1 HOLDING THE COMPILATION THAT PRESUMABLY WILL BE EVIDENCE IN THE
2 TRIAL.

3 I HAVE SOME OBJECTIONS. THE COURT MAY BE AWARE I DID
4 FILE A MOTION IN LIMINE RAISING ONE OBJECTION AND I HAVE SOME
5 OTHER CONCERNS, AND I WOULD ASK YOUR HONOR TO RESOLVE THESE
6 ISSUES BEFORE THE JURY COMES DOWN TOMORROW SO WE DON'T TO
7 LITIGATE ADMISSIBILITY IN THE JURY'S PRESENCE.

8 THE COURT: WHAT IS YOUR OBJECTION?

9 MR. NICOLAYSEN: THE FIRST OBJECTION I HAVE IS THAT
10 ANY ATTEMPT BY THE GOVERNMENT TO USE THESE CONVERSATIONS
11 COMPLETELY UNDERMINDS THE COOPERATION AGREEMENT THAT MY CLIENT
12 SIGNED WITH THE GOVERNMENT.

13 THIS MEETING ON JULY 14, 1989, WHICH WAS TAPE
14 RECORDED, WHICH RESULTED IN THESE TRANSCRIPTS, WAS DONE
15 PURSUANT TO A WRITTEN UNDERSTANDING THAT MY CLIENT WOULD BE A
16 COOPERATING INDIVIDUAL. THIS IS PREARREST, THREE MONTHS BEFORE
17 THE INDICTMENT OF MY CLIENT.

18 THERE WAS SPECIFIC LANGUAGE IN THAT AGREEMENT STATING
19 THAT BY SIGNING, MY CLIENT UNDERSTANDS THAT THE INFORMATION HE
20 GIVES MAY BE USED AGAINST OTHER PEOPLE AND HE MAY BE CALLED
21 UPON TO TESTIFY, BUT THERE IS NOTHING THERE TO SUGGEST THAT THE
22 GOVERNMENT MAY AT SOME FUTURE POINT IN TIME UNILATERALLY REVOKE
23 THAT AGREEMENT AND USE THE INFORMATION HE GIVES AGAINST HIM.

24 THE COURT: IS THAT WHAT YOU'RE SAYING HAPPENED; THEY
25 UNILATERALLY REVOKED THE AGREEMENT?

1 MR. NICOLAYSEN: SURE THEY DID, BY INDICTING HIM
2 THREE MONTHS LATER AND BY SEEKING TO INTRODUCE THESE STATEMENTS
3 AGAINST HIM.

4 I THINK THAT THAT IS CLEARLY INCONSISTENT --

5 THE COURT: DID YOU FILE A MOTION REGARDING THIS?

6 MR. NICOLAYSEN: I DID. I FILED IT YESTERDAY
7 MORNING, YOUR HONOR.

8 THE COURT: I'LL RULE ON THAT BEFORE THE WITNESS
9 TESTIFIES.

10 MR. NICOLAYSEN: I FILED IT THIS MORNING; I'M
11 CORRECTED.

12 THEN THERE ARE OTHER -- DEPENDING ON WHAT YOUR
13 HONOR'S RULING IS ON THE OBJECTION I JUST RAISED -- I HAVE
14 SERIOUS CONCERNS ABOUT CONTEXT. STATEMENTS ARE BEING TAKEN OUT
15 OF CONTEXT.

16 THE COURT: WELL, YOU HAVE THE RIGHT TO FILL IN THE
17 CONTEXT. IF THERE IS ANYTHING OMITTED, YOU HAVE THE RIGHT TO
18 QUESTION THE WITNESS ABOUT IT.

19 MR. NICOLAYSEN: AND THE THIRD IS IRRELEVANCY, YOUR
20 HONOR. THERE ARE MANY EXTRANEOUS ISSUES HERE BEING ADDRESSED
21 BY MY CLIENT COMPLETELY UNRELATED TO ANYTHING CONCERNING THE LA
22 LANGOSTA EVENT, AND I WOULD OBJECT ON THOSE GROUNDS.

23 THE COURT: OF COURSE I CAN'T RULE ON THAT UNTIL I
24 HEAR THE EVIDENCE. SO ON THE RELEVANCY, YOU MUST MAKE YOUR
25 OBJECTION WHEN THE QUESTION IS POSED.

1 I ASSUME THAT -- I'M NOT GOING PERMIT ANY EXTRANEIOUS
2 MATERIAL HERE. I'M GOING TO -- IF IT IS UNRELATED TO THIS
3 CASE, THEN IT IS NOT GOING TO COME IN.

4 MR. NICOLAYSEN: I WOULD ASK THAT THERE BE AN OFFER
5 OF PROOF AS TO RELEVANCY, AND IT EASILY ENOUGH DONE OUT OF THE
6 JURY'S PRESENCE BECAUSE THE GOVERNMENT CAN MAKE THAT OFFER
7 BASED ON WHAT I'M HOLDING HERE, WHICH IS A COMPILATION --

8 THE COURT: ARE YOU GOING TO PRESENT SOME IRRELEVANT
9 STATEMENT THAT THIS DEFENDANT MADE?

10 MR. MEDRANO: NOT AT ALL, YOUR HONOR. IN FACT, OUT
11 OF HUNDREDS OF PAGES OF TRANSCRIPTS, THE PORTIONS OF THE
12 TRANSCRIPTS WE'RE GOING TO UTILIZE, WHICH CAN'T BE ANY MORE
13 THAN PERHAPS 20 TO 30 PAGES, WE'RE ONLY USING 20 TO 30 PAGES
14 OUT OF ALL OF THOSE HUNDREDS OF PAGES.

15 THE COURT: HOW DOES IT RELATE TO THIS CASE, WHATEVER
16 IT IS YOU'RE GOING TO ELICIT?

17 MR. MEDRANO: IN MANY WAYS, YOUR HONOR. FIRST, WITH
18 YOUR PERMISSION, JUST LET ME STATE TO YOU THAT HE HAS HAD THE
19 TRANSCRIPT FOR MONTHS. THIS CONTRAVENES YOUR PROHIBITION ON
20 WALK-IN BUSINESS.

21 I MIGHT POINT OUT THAT THAT COOPERATION C.I.
22 AGREEMENT THAT HE HAS REFERENCED, HE HAS HAD FOR MONTHS, AND WE
23 GET THIS MOTION THIS MORNING AT 9:30 IN MORNING, YOUR HONOR. I
24 JUST WANT TO BRING THAT TO YOUR ATTENTION.

25 MR. NICOLAYSEN: I'D LIKE TO SPEAK TO THAT. WHAT I

1 NEVER GOT UNTIL TODAY WAS THE EXTRACT OF WHAT THE GOVERNMENT
2 INTENDED TO INTRODUCE AT TRIAL.

3 THE COURT: IF YOU HADN'T GOTTEN THOSE EXTRACTS, YOU
4 HAD NO OBJECTION TO THE ENTIRE CONVERSATION COMING IN?

5 MR. NICOLAYSEN: I HAD NO IDEA WHAT THE GOVERNMENT
6 WAS INTENDING TO USE, IF ANYTHING, OUT OF ALL OF THOSE
7 TRANSCRIPTS.

8 THE COURT: BUT IF YOU HAD THE TRANSCRIPT AND YOU
9 KNEW WHAT WAS SAID BY YOUR CLIENT, WHY DIDN'T OBJECT BEFORE
10 THIS MORNING?

11 MR. NICOLAYSEN: BECAUSE IT WOULDN'T BE NECESSARY TO
12 FILE AN OBJECTION UNTIL SUCH TIME AS THE GOVERNMENT ADVISES ME
13 THAT THEY'RE ACTUALLY GOING TO USE THAT INFORMATION.

14 THE COURT: I DISAGREE. I DISAGREE.

15 MR. NICOLAYSEN: THIS IS NOT THE SAME AS A MOTION TO
16 SUPPRESS FOR ILLEGALLY OBTAINED EVIDENCE. I'M NOT SUGGESTING
17 THAT THE CONVERSATION WITH MY CLIENT WAS ILLEGAL IN NATURE.

18 IT IS THE USE OF THAT INFORMATION AT A TRIAL AT A
19 LATER DATE THAT BECOMES SUBJECT TO OBJECTION. AND I ONLY KNEW
20 WHAT THE CONTENTS OF THAT PROFFER WAS TODAY WHEN I GOT THE
21 EXTRACT. SO THEREFORE, I SUBMIT THE MOTION AND THE OBJECTION
22 IS TIMELY.

23 MR. MEDRANO: ON THAT POINT JUST, TO CONCLUDE IT, IT
24 IS A PROVERBIAL SLAP TO OUR COMMON SENSE TO NOT KNOW WE'RE
25 GOING TO BE USING THE TRANSCRIPT. AND HE HAS HAD THE WHOLE

1 TRANSCRIPTS, AND THE BURDEN IS ON COUNSEL TO OBJECT TO ANY
2 PORTIONS OF THOSE.

3 HE DIDN'T OBJECT TO IT AT ALL, NO PRETRIAL RULE 12
4 MOTION, AS HE IS REQUIRED TO FILE. NOW WE HEAR ABOUT IT FOR
5 THE FIRST TIME THIS MORNING, MIDSTREAM. I THINK THAT'S UNFAIR.

6 I'M READY AT ANY TIME TO TELL YOU THE RELEVANCY OF
7 THE PORTIONS OF THE TRANSCRIPT WE INTEND TO USE, AND I'D LIKE
8 TO GIVE YOU A COPY OF THE 30 PAGES AT THIS TIME, AS WELL, YOUR
9 HONOR.

10 BUT THIS ISSUE OF THE COOPERATION AGREEMENT AND THE
11 PLEA AGREEMENT BETWEEN THE GOVERNMENT AND HIS CLIENT, THAT'S
12 PREPOSTEROUS WHEN HE HAS HAD THAT AGREEMENT FOR MONTHS, AND YET
13 HE RAISES THAT AT THE 11TH HOUR.

14 SO THAT PART IS NOT FAIR.

15 MR. NICOLAYSEN: RULE 12 --

16 MR. MEDRANO: RULE 12 MANDATES THAT IF YOU'RE
17 CHALLENGING THIS SORT OF EVIDENCE, IT SHOULD BE ADDRESSED
18 PRETRIAL UNDER RULE 12. HE NEVER CHALLENGES THAT. NOW WE HEAR
19 ABOUT IT FOR THE FIRST TIME.

20 SO ON RELEVANCY, I CAN ARGUE THAT RIGHT NOW, AT ANY
21 TIME, YOUR HONOR.

22 BUT THIS COOPERATION AGREEMENT, IT'S NOT A FORMAL PLEA
23 AGREEMENT. IT'S THE TYPICAL C.I. COOPERATION AGREEMENT FILLED
24 OUT BY ANY C.I., WHICH BASICALLY SAYS: DON'T BREAK THE LAW.
25 YOU MAY HAVE TO TESTIFY. AND IF ANYONE HASSLES YOU, LET US

1 KNOW, BECAUSE WE'LL PROTECT YOU. THAT'S IT.

2 AND I MIGHT ADD THAT ON THE TAPE OF THE TRANSCRIPT, AT
3 THE INTERVIEW, AT NO TIME IS THERE ANY REFERENCE TO ANY PLEA
4 AGREEMENT BETWEEN HIS CLIENT AND THE GOVERNMENT, THAT A DEAL
5 HAD BEEN CUT.

6 MR. NICOLAYSEN: YOUR HONOR, IF THIS WAS --

7 MR. MEDRANO: HE'S FURTHER MIRANDIZED, YOUR HONOR.

8 THE COURT: THAT'S ENOUGH CONVERSATION. YOUR MOTION
9 IS UNTIMELY. I'M GOING TO LOOK AT IT, BUT I'M NOT GOING TO
10 AGAIN.

11 IF YOU INTEND TO OBJECT TO ANY EVIDENCE THAT'S
12 PROVIDED TO YOU, YOU CANNOT WAIT UNTIL THEY'VE DECIDED TO USE
13 IT. YOU HAVE TO ASSUME THAT THEY'RE GOING TO USE IT AND MAKE
14 YOUR OBJECTION.

15 MR. NICOLAYSEN: ALL RIGHT. I WOULD JUST LIKE TO
16 STATE FOR THE RECORD THAT MY EXPERIENCE WITH RULE 12 IS YOU
17 CHALLENGE IT BY MOTION TO SUPPRESS WHEN YOU'RE CLAIMING THAT IT
18 WAS ILLEGALLY OBTAINED OR THERE'S A CONSTITUTIONAL PROBLEM.
19 THAT'S CLEARLY A RULE 12 ISSUE.

20 THE COURT: WELL, THAT ISN'T MY RULE. BEFORE THIS
21 TRIAL STARTED, I GAVE YOU A MOTION CUTOFF DATE AND TOLD YOU
22 THAT ALL MOTIONS HAD TO BE FILED BY THAT DATE.

23 MR. NICOLAYSEN: I UNDERSTAND.

24 THE COURT: AND UNLESS THERE'S A GOOD EXPLANATION WHY
25 THEY WERE NOT -- WHICH I HAVE NOT HEARD -- THEN THEY SHOULD NOT

1 BE RAISED AFTER THE TRIAL STARTS. IN TRIAL, THERE'S ENOUGH
2 WORK FOR US TO DO WITHOUT GETTING INTO THESE TYPES OF THINGS.

3 THAT IS CLEARLY A PRETRIAL MOTION.

4 MR. NICOLAYSEN: ALL RIGHT. VERY WELL, YOUR HONOR. I
5 APPRECIATE THE COURT LOOKING AT IT, NONETHELESS.

6 THANK YOU, YOUR HONOR.

7 THE COURT: ALL RIGHT. THAT'S ALL FOR TODAY.

8 THE CLERK: PLEASE RISE. THIS COURT IS NOW IN RECESS.

9 (PROCEEDINGS ADJOURNED TILL MAY 25, 1990.)

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(EXHIBIT # 52 RECEIVED IN EVIDENCE.) 21 7
 (EXHIBIT # 53 RECEIVED IN EVIDENCE.) 22 13
 (EXHIBIT 54 # RECEIVED IN EVIDENCE.) 55 16

LOS ANGELES + CALIFORNIA THURSDAY, MAY 4 1
 MAY 24, 1990 + 10:00 A.M. 4 2
 CERVANTES SANTOS + PLAINTIFFS WITNESS, 4 11
 DIRECT EXAMINATION + CONTINUED BY MR. MEDRANO: 4 13
 DIRECT EXAMINATION + (RESUMED) BY MR. MEDRANO: 39 12
 CROSS-EXAMINATION + BY MR. MEDVENE: Q 56 16
 LOS ANGELES + CALIFORNIA, THURSDAY, MAY 67 1
 MAY 24, 1990 + 1:30 P.M (JURY 67 2
 CROSS-EXAMINATION + (RESUMED) BY MR. MEDVENE: 67 6
 CROSS-EXAMINATION + CONTINUED BY MR. MEDVENE: 101 2

TO LOOK AT GOVERNMENT EXHIBIT 52. HAVE 20 23
 ME WHAT GOVERNMENT EXHIBIT 52 IS? A. IT IS 21 1
 (EXHIBIT # 52 RECEIVED IN 21 7
 TO LOOK AT GOVERNMENT EXHIBIT 53, WHICH SHOULD BE 22 3
 (EXHIBIT # 53 RECEIVED IN 22 13
 DOWN AND NOW GO TO EXHIBIT 54, WHICH SHOULD BE 22 15
 CAN YOU IDENTIFY EXHIBIT 54? A. YES. Q. 22 19
 EVIDENCE GOVERNMENT'S EXHIBIT 54, A PHOTOGRAPH. 55 10
 (EXHIBIT 54 # RECEIVED IN 55 16
 YES. (EXHIBIT TENDERED TO THE CLERK 106 7

WE, THE UNDERSIGNED REPORTERS, CERTIFY THAT THE FOREGOING IS A
CORRECT TRANSCRIPT FROM THE RECORD OF PROCEEDINGS IN THE
ABOVE-ENTITLED MATTER.

Julie Churchill
JULIE A. CHURCHILL
OFFICIAL COURT REPORTER

DATED: May 24, 1990

Susan A. Lee
SUSAN A. LEE
OFFICIAL COURT REPORTER

DATED: May 24, 1990